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Statutes  
Ont

Ontario. Statutes

THE

# REVISED STATUTES

OF

## ONTARIO, 1937

BEING A

REVISION AND CONSOLIDATION OF THE REVISED STATUTES  
OF ONTARIO, 1927, AND THE SUBSEQUENT PUBLIC  
GENERAL ACTS

OF THE

### LEGISLATURE OF ONTARIO

#### VOL. III.



ONTARIO

TORONTO:

PRINTED BY T. E. BOWMAN,  
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# THE REVISED STATUTES OF ONTARIO,

1937

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## SECTION XIV.

### MUNICIPAL MATTERS.

#### 1. MUNICIPAL INSTITUTIONS GENERALLY.

#### CHAPTER 266.

#### The Municipal Act.

##### *Preliminary.*

##### 1. In this Act,—

Interpreta-  
tion.

- (a) "Arbitration" shall mean an arbitration under the provisions of this Act; "Arbitra-  
tion."
- (b) "Bridge" shall mean a public bridge, and shall include a bridge forming part of a highway or on, over or across which a highway passes; "Bridge."
- (c) "City," "town," "village," "township" and "county" shall respectively mean city, town, village, township or county, the inhabitants of which are a body corporate within the meaning and for the purposes of this Act; R.S.O. 1927, c. 233, s. 1, cls. (a-c). "City,"  
"town,"  
"village,"  
"township,"  
"county."
- (d) "Department" shall mean the Department of Municipal Affairs for Ontario; 1935, c. 43, s. 2 (1). "Depart-  
ment."
- (e) "Electors," when applied to a municipal election, shall mean the persons entitled to vote at a municipal election, when applied to voting on a money by-law shall mean the persons entitled to vote on the by-law and when applied to voting on any other by-law or on a resolution or question unless otherwise provided by the Act, by-law, or other authority under which the vote is taken, shall mean municipal electors; "Electors."
- (f) "Highway" shall mean a common and public highway, and shall include a street and a bridge forming part of a highway, or on, over or across which a highway passes; "Highway."
- (g) "Land" shall include lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water; "Land."

- "Local municipality." (h) "Local municipality" shall mean a city, a town, a village and a township;
- "Member." (i) "Member" or "members," referring to a member or members of a council shall include the head of the council, and a member or members of a board of control;
- "Money by-law." (j) "Money by-law" shall mean a by-law for contracting a debt or obligation or for borrowing money; R.S.O. 1927, c. 233, s. 1, cls. (*d-i*).
- "Municipal Board." (k) "Municipal Board" shall mean the Ontario Municipal Board; R.S.O. 1927, c. 233, s. 1, cl. (*j*); see 1932, c. 27, s. 5.
- "Municipal electors." (l) "Municipal electors" shall mean the persons entitled to vote at a municipal election;
- "Municipality." (m) "Municipality" shall mean a locality, the inhabitants of which are incorporated;
- "Population." (n) "Population" shall mean population as determined by the last preceding census taken under the authority of the Parliament of Canada, or under a by-law of the council, or by the last preceding municipal enumeration by the assessor whichever shall be the latest, or by such means as the Municipal Board may direct;
- "Prescribed." (o) "Prescribed" shall mean prescribed by or under the authority of this Act;
- "Published." (p) "Published" shall mean published in a newspaper in the municipality to which what is published relates, or which it affects, or if there is no newspaper published in the municipality, in a newspaper published in an adjacent or neighbouring municipality; and "publication" shall have a corresponding meaning;
- "Separated town." (q) "Separated town" shall mean town separated for municipal purposes from the county in which it is situate;
- "Supreme Court." (r) "Supreme Court" shall mean Supreme Court of Ontario;
- "Township." (s) "Township" shall include a union of townships, and a municipality composed of two or more townships;
- "Two-thirds vote." (t) "Two-thirds vote" shall mean the affirmative vote of two-thirds of the members of a council present at a meeting thereof;

- (u) "Unorganized territory" shall mean that part of Ontario without county organization; "Unorganized territory."
- (v) "Urban municipality" shall mean and include a city, a town and a village. R.S.O. 1927, c. 233, s. 1, cls. (k-u). "Urban municipality."

**2.**—(1) Where under the provisions of this Act evidence is taken orally before a special examiner or a judge he may direct that the same be taken in shorthand by a stenographic reporter. Evidence may be taken in shorthand.

(2) The fees of the stenographic reporter including those for the transcribing of his notes shall be paid by the party on whose behalf the evidence is taken, and the same shall form part of the costs of the proceedings, in which the evidence is taken. R.S.O. 1927, c. 233, s. 2. Fees of reporter, how paid.

**3.** Where registration in a registry office is prescribed or provided for by this Act it shall mean where *The Land Titles Act* is applicable, registration in the office of the master or local master of titles of the locality in which the land is situated. R.S.O. 1927, c. 233, s. 3. Registration in office of land titles. Rev. Stat. c. 174.

**4.** A person in the actual occupation of land under an agreement with the owner for the purchase of it shall be deemed to be the owner, and the unpaid purchase money shall be deemed to be an encumbrance on the land. R.S.O. 1927, c. 233, s. 4. When occupant deemed to be owner.

**5.** Where power to acquire land is conferred upon a municipal corporation by this or any other Act, unless otherwise expressly provided, it shall include the power to acquire by purchase or otherwise and to enter on and expropriate. R.S.O. 1927, c. 233, s. 5. Power to acquire includes expropriation.

**6.** Except where otherwise expressly provided, this Act shall not affect the provisions of any special Act relating to a particular municipality. R.S.O. 1927, c. 233, s. 6. Special Acts not affected.

### *Corporations.*

**7.** The inhabitants of every county, city, town, village and township shall be a body corporate for the purposes of this Act. R.S.O. 1927, c. 233, s. 7. Inhabitants of municipalities to be bodies corporate.

**8.** The name of the body corporate shall be "*The Corporation of the County [United Counties, City, Town, Village, Township (as the case may be)], of (naming the municipality.)*" R.S.O. 1927, c. 233, s. 8. Names of municipal corporations.

**9.** The powers of a municipal corporation shall be exercised by its council. R.S.O. 1927, c. 233, s. 9. Council to exercise corporate powers.

## PART I.

*FORMATION OF NEW CORPORATIONS AND  
ALTERATIONS OF BOUNDARIES OF  
MUNICIPALITIES.*

"District,"  
meaning of.

**10.** In this Part, "district" shall mean part of a township or parts of two or more townships which it is proposed to erect into a village or town or part of a township which it is proposed to add to another municipality, or the part so erected or added, as the case may be. R.S.O. 1927, c. 233, s. 10.

Erection of  
village.

**11.** Under and subject to the provisions and conditions hereinafter mentioned, a district may be erected into a village by the council of the county in which it is situate, or if the district comprises parts of two or more counties by the council of the county in which the larger or largest part of the district is situate. R.S.O. 1927, c. 233, s. 11.

Procedure  
for erection  
of village.

**12.**—(1) Where a petition, signed, if the district or part of it lies within one mile of the limits of a city having a population of not less than 100,000, by at least two-thirds and in other cases by at least one-half of the freeholders representing at least one-half of the assessed value of the lands in the district and resident tenants of the district whose names are entered on the last revised assessment roll of the municipality in which the district is situate, and in the case of tenants who have been resident in the district for at least four months next preceding the presentation of the petition, all of the petitioners being British subjects of the full age of 21 years, and at least one-half of them freeholders, praying for the erection of the district into a village, is presented to the council, the council, if the district has a population exceeding 750, shall, within three months after the presentation of the petition, pass a by-law erecting the district into a village, declaring the name which it shall bear and its boundaries.

Lot of peti-  
tioner to be  
designated.

(2) Opposite the name of every petitioner there shall be shown, by reference to the number of the lot, the land owned or occupied by him, and where it is or forms part of a lot laid down on a registered plan, the reference shall be to the number of the lot according to the plan, and the petition shall also show whether the petitioner is a freeholder or resident tenant.

Presentation  
of petition.

(3) A petition shall be deemed to be presented when it is lodged with the clerk, and the sufficiency of the petition shall be determined by him and his certificate shall be conclusive in reference thereto.



(4) The number of the inhabitants of the district shall be ascertained by a special census taken by direction of the council.

Special  
census.

(5) The by-law shall not be passed before the expiration of one month after the presentation of the petition, nor until further notice has been given of the meeting of the council at which it is intended to take it into consideration.

Time for  
passing  
by-law.

(6) The notice shall be published at least once a week for two successive weeks, during the two months next preceding the meeting and shall contain a description of the district sufficiently full to indicate the land which it is intended to embrace in the proposed village.

Publication  
of notice.

(7) The council may require that the expenses of taking the census and of publishing the notice be paid by the petitioners, or that a sum sufficient to defray them be deposited with the clerk.

Expenses of  
census, etc.

(8) The clerk shall forthwith, after the passing of it, transmit a certified copy of the by-law to the Provincial Secretary, who shall cause notice of it to be published in the *Ontario Gazette*.

By-law to  
be published  
in *Ontario  
Gazette*.

(9) After the expiration of three months from the publication of the notice of the by-law, and after the final disposition of any application to quash it made within that period, if the application is unsuccessful, the by-law shall not be liable to be quashed on any ground, and the village thereby erected shall be deemed to have been duly erected in accordance with the provisions of this Act. R.S.O. 1927, c. 233, s. 12.

Time for  
applying  
to quash  
by-law.

**13.**—(1) Subject to subsection 2, the area of a town or village hereafter erected shall not exceed five hundred acres for the first thousand or less, with two hundred acres or fraction thereof added for each additional one thousand or fraction thereof in excess of one thousand of its population.

Area of  
town or  
village in  
a county.

(2) In unorganized territory, the area of a town shall not exceed seven hundred and fifty acres for the first 500 of its population, with three hundred acres or fraction thereof added for each additional 500 of its population or fraction thereof.

In unorgan-  
ized terri-  
tory.

(3) An addition shall not be made to any town or village which will have the effect of increasing its area beyond the prescribed area.

No addition  
beyond  
prescribed  
area.

(4) Land occupied by highways, parks, and public squares and land covered by water shall be excluded in determining the area. R.S.O. 1927, c. 233, s. 13.

Lands not  
to be includ-  
ed.



Annexation of village in two or more counties to one county.

**14.**—(1) Where a village comprises parts of two or more counties, it shall be annexed to, and form part of, that one of them which shall be agreed on by the councils, or which, failing an agreement within six months after the presentation of the petition, the Lieutenant-Governor in Council may proclamation direct.

Agreement between councils as to annexation of village.

(2) If an agreement is come to, the clerk of each of the councils shall forthwith notify the Provincial Secretary of it, and if an agreement is not come to within the period mentioned in subsection 1, shall forthwith, after the expiration of that period, notify the Provincial Secretary of the fact.

If councils agree notice to be published.

(3) Where the councils agree as to the county to which the village shall be annexed, the Provincial Secretary shall forthwith, after notice of the agreement, cause to be published in the *Ontario Gazette* notice of the county to which the village has been annexed. R.S.O. 1927, c. 233, s. 14.

Erection of police village into a village.

**15.** A police village may be erected into a village in the manner and subject to the conditions mentioned in section 12. R.S.O. 1927, c. 233, s. 15.

Annexation of district to village.

**16.** The Municipal Board may, upon the application of the council of a village, annex a district to it where from the proximity of the streets or buildings in the district or the probable future exigencies of the village, the Board deems it expedient. R.S.O. 1927, c. 233, s. 16.

Annexation of land to township in unorganized territory.

**17.**—(1) The Municipal Board may annex land in unorganized territory to an adjacent incorporated township therein, and may also, on the application of two or more adjacent townships in such territory form them, with or without additional territory, into one township municipality, bearing such name as the Board may direct.

Annexation of land to city or town in unorganized territory.

(2) The Board, on the application of the council of a city or town in unorganized territory, may annex to the city or town the whole or any part of an adjoining unorganized township, on such terms and conditions as may be determined by the Board. R.S.O. 1927, c. 233, s. 17.

Incorporation of towns in unorganized territory.

**18.**—(1) Subject to subsection 2 of section 13, the Municipal Board may, upon the application of not less than 75 male inhabitants of the locality, each of the full age of twenty-one years, incorporate as a town the inhabitants of a locality having a population of at least 500, and situate in one or more of the provisional judicial districts, whether or not it lies within an existing township municipality.

(2) The order of the Board shall declare the name which the town shall bear, and its boundaries, and the date when the incorporation shall take effect, and shall also provide for the apportionment, collection and payment over of the taxes for the current year. R.S.O. 1927, c. 233, s. 18.

**19.**—(1) The Municipal Board may erect a town having a population of not less than 15,000 into a city, and a village having a population of not less than 2,000 into a town, and declare the name which it is to bear.

(2) Where, from the proximity of streets or buildings or the probable future exigencies of the newly erected city or town, the Board deems it desirable that part of one or more adjacent townships should be included in it, the Board may, subject to the provisions of subsection 6, detach such part from the township or townships and annex it to the newly erected city or town.

(3) The newly erected city or town shall be divided into wards bearing such numbers or names as the Board may direct.

(4) The number of wards in the town shall not be less than three, and each of the wards in the city or town shall have a population of not less than five hundred.

(5) Notice of the application for the erection of the town into a city or of a village into a town shall be published at least once a week for three months.

(6) Where it is proposed that part of one or more adjacent townships shall be embraced in the newly erected city or town, the notice shall so state and shall designate the part proposed to be embraced therein.

(7) The order shall be conclusive evidence that all conditions precedent to the making of it have been complied with, and that the city or town has been duly erected in accordance with the provisions of this Act. R.S.O. 1927, c. 233, s. 19.

**20.**—(1) Where the council of a city or town by resolution declares that it is expedient that part of an adjacent township should be annexed to the city or town, and the majority of the municipal electors in such part petition the Municipal Board to add the same to such city or town, and after due notice of such resolution and petition has been given by the council of such city or town to the council of such adjacent township, and also, where the part is proposed to be added to a city or to a separated town to the council of the county in which the township is situate, the Board may, by order to take effect upon a day to be named therein, annex such part to the city or town upon

such terms and conditions as to the adjustment of assets and liabilities, taxation, assessment, improvements, or otherwise, as may have been agreed upon or as shall be determined by the Board; provided, however, that should the terms and conditions agreed upon not meet with the approval of the Board, the petitioners or the city or town may withdraw from the proposed annexation.

Procedure  
when no  
municipal  
electors.

(2) In case there are no municipal electors in such part of the adjacent township, no petition shall be required, but notice of such resolution shall be given by the council of such city or town to the above-mentioned councils and also to the owners, if any, of lands in such part of the adjacent township. R.S.O. 1927, c. 233, s. 20 (1, 2).

Amendment  
of order.

(3) The order may, before it takes effect, be amended in any respect by a further order, and may at any time when it does not correctly set forth the terms and conditions as to the adjustment of assets and liabilities, taxation, assessment, improvements or otherwise agreed upon, be amended to conform with the agreement, and where it appears to the Board that it is expedient to amend the terms and conditions of any order of the Board annexing any adjacent territory to a city or town, the Board may, with the consent of the councils of the municipalities concerned amend or vary such order but not so as to impose more onerous terms and conditions upon the annexed territory than those contained in such order. R.S.O. 1927, c. 233, s. 20 (3); 1930, c. 44, s. 1.

Board may  
order vote to  
be taken.

(4) The Board may direct that a vote be taken for determining whether or not the majority of the municipal electors of the part proposed to be annexed are in favour of its being annexed, and may fix the time and place for the taking of the vote, name the returning officer and make such other provisions as may be deemed necessary. R.S.O. 1927, c. 233, s. 20 (4).

Authority of  
Municipal  
Board to  
separate  
farm lands  
from towns  
and villages.

**21.**—(1) Upon the application of the council of any town or village or of such number of the owners of any lands therein wholly used for farming purposes as shall represent at least three-fifths of the amount of the assessed value of all the lands proposed to be detached from such town or village the Municipal Board may, after hearing representatives of the town or village, and of the owners of such farm lands, and of the adjoining municipality to which it is proposed to annex the lands, make an order detaching such farming lands or any part thereof from the town or village and annexing the same to an adjoining municipality on such terms and conditions as to the adjustment of the assets and liabilities, and upon such other terms and conditions as may have been agreed upon between the

municipalities interested, or in default of agreement as may be determined by the Board.

(2) If the interest of the land detached in the assets of the town or village from which they are detached exceeds its proportion of the liabilities thereof, that corporation shall pay to the corporation of the municipality to which the lands are annexed the amount of the excess, but if the land's proportion of such liabilities exceeds its interest in such assets the corporation of the municipality to which the lands are annexed shall pay to the corporation of the town or village from which the lands are detached the amount of the excess, and the order of the Board shall set out the amount to be paid by one municipality to the other accordingly. R.S.O. 1927, c. 233, s. 21.

Adjustment of assets and liabilities to be determined by the Board.

**22.** Where territory constituting or forming part of a local municipality becomes part of a local municipality in another county, it shall thereafter form part of that county except for the purpose of representation in the Assembly. R.S.O. 1927, c. 233, s. 22.

Adding territory to municipality in another county.

**23.**—(1) The Municipal Board may annex a town or village to an adjacent urban municipality, where,—

(a) the councils of the town or village and of the adjacent urban municipality by by-law assent to the annexation; and

(b) the assent of the municipal electors of the town or village is given to the by-law of the council thereof.

Annexation of town or village to adjacent urban municipality.

(2) Subject to the provisions of subsection 5, the by-law may provide for the annexation unconditionally, or on such terms as may be deemed expedient.

Provisions of by-law.

(3) If the urban municipality to which the town or village is annexed has the requisite population, it may be erected into a city or town bearing such name as the Board may direct.

New city or town may be erected.

(4) Such redivision into wards of the city or town as the annexation renders necessary shall also be made. R.S.O. 1927, c. 233, s. 23 (1-4).

Division into wards.

(5) If a petition, signed by at least 150 electors of a town or village, or 500 electors of a city, praying that it may be annexed to an adjacent urban municipality, either unconditionally or on such terms as may be stated in the petition, is presented to the council of the city, town or village the council shall within four weeks after the presentation of the petition submit to the electors of the city, town or village for their assent thereto, a by-law providing for its annexation on the terms men-

By-law to be submitted on petition.



tioned in the petition. R.S.O. 1927, c. 233, s. 23 (5); 1931, c. 50, s. 2 (1).

Amalgama-  
tion of  
urban  
municipi-  
palities.

(6) The provisions of this section shall *mutatis mutandis* apply to the amalgamation of two or more urban municipalities, including cities, whether adjacent or not and whether by way of annexation or otherwise, but no such amalgamation shall be approved by the Municipal Board until the same has been assented to by the electors of each such urban municipality. 1931, c. 50, s. 2 (2).

[As to formation of new townships, see *Rev. Stat.*, c. 3, s. 10.]

### Townships.

Formation  
of townships  
in unor-  
ganized  
territory.

**24.—**(1) The inhabitants of a township in unorganized territory having a population of not less than 100, and the inhabitants of a locality not surveyed into townships, having an area of not more than twenty thousand acres and a population of not less than 100, may become incorporated as a township municipality.

Petition  
for incor-  
poration.

(2) Upon the receipt of a petition praying for incorporation, signed by not less than 30 of the resident householders of the township or locality, and defining the limits of the proposed municipality, and a deposit being made of a sum sufficient to defray the expenses of the meeting to be held as hereinafter mentioned, a judge of the district court of the provisional judicial district in which the township or locality is situate may call a meeting of the inhabitants of it to consider the expediency of becoming incorporated and to choose a reeve and four councillors for the proposed municipality, and he shall name a fit person to be the chairman of the meeting, and make such provisions as he may deem proper for the conduct of the meeting and the manner of choosing the reeve and councillors, and notice of the meeting shall be given in such manner as the judge shall direct.

District  
judge to  
call meeting.

Qualifica-  
tion at first  
election.

(3) Every resident householder of the full age of twenty-one years and a British subject shall be entitled to vote and every resident male householder of the full age of twenty-one years and a British subject to be elected as reeve or councillor at such meeting.

Chairman  
of meeting.

(4) The chairman shall preside at the meeting and shall record the votes given, and in the case of an equality of votes between two candidates for the office of reeve or councillor he shall give the casting vote, and he shall forthwith, after the close of the meeting, make a report in writing of the result of it to the judge.



(5) The report shall contain a statement of the votes given for and against the proposed incorporation, and for and against each person proposed for reeve or councillor, and shall be verified by the oath of the chairman. Report to judge.

(6) If it appears to the judge from the report that a majority of the inhabitants present at the meeting voted in favour of incorporation, and that those so voting number or include not less than 30 resident holders and no objection to the report or to the manner in which the meeting was conducted or the reeve and councillors were chosen has been filed with the judge within ten days after the receipt by him of the report, the judge shall declare in writing (Form 1), the inhabitants of the township or locality to be incorporated in accordance with the prayer of the petition and state the persons who were elected as reeve and councillors and fix the time and place for the first meeting of the council, and shall forthwith transmit to the Minister of Land and Forests, and to the Provincial Secretary, a certified copy of the declaration, and the Provincial Secretary shall thereupon cause notice of it to be published in the *Ontario Gazette*. Declaration of incorporation.

(7) If such an objection is filed within the prescribed time the judge shall hear and determine the matter complained of, and if he finds that the complaint is well founded shall call a new meeting and perform the other duties assigned to him by subsections 2 and 6. Hearing objections.

(8) The incorporation shall be deemed to be complete when the judge has signed the declaration, but shall not take effect until the 31st day of December following. R.S.O. 1927, c. 233, s. 24. When incorporation complete.

### *Union of Townships.*

**25.** A union of townships shall consist of two or more townships united for municipal purposes and having in common, as if one township, all offices and institutions established by law pertaining to township municipalities. R.S.O. 1927, c. 233, s. 25. Union of townships.

**26.** The Lieutenant-Governor in Council may, by proclamation, annex a township, or two or more townships lying adjacent to one another laid out by the Crown in unorganized territory, to any adjacent county, and may erect the same with another township of such county into a union of townships. R.S.O. 1927, c. 233, s. 26. Annexation of new townships in unorganized territory to a county.

Incorporation of union of townships.

**27.**—(1) The inhabitants of two or more townships in unorganized territory, adjacent to one another, and having in the aggregate a population of not less than 100, may become incorporated as a union of townships.

Proceedings.

(2) The proceedings for and incidental to the incorporation and the election of the members of the first council shall be the same as provided by section 24. R.S.O. 1927, c. 233, s. 27.

Union of junior township, after separation, with adjoining township.

**28.** If two-thirds of the resident freeholders and tenants of a junior township whose names are entered on the last revised assessment roll petition the council of the county to be separated from the union to which it belongs, and to be attached to another adjoining township in the county, and the council considers that the interest and convenience of the inhabitants of the township would be promoted thereby, such council may separate it from the union, and may erect it with such adjoining township into a union of townships. R.S.O. 1927, c. 233, s. 28.

Seniority of united townships, how determined.

**29.** The order of seniority of townships forming a union of townships shall be determined by the number of freeholders and tenants thereof whose names are entered on the last revised assessment roll, and the township having the largest number of them shall be the senior township, and the other or others the junior township or townships, and where there is no such assessment roll for all or any one or more of the townships their seniority shall be determined by the functionary or body by which the union is formed. R.S.O. 1927, c. 233, s. 29.

[*As to annexation of gores, etc., to townships, see Rev. Stat. c. 3, s. 13.*]

#### *Separation of Junior Township from Union.*

Junior township may be separated from union.

**30.**—(1) When a junior township of a union of townships has 100 resident freeholders and tenants whose names are entered on the last revised assessment roll, the county council, if the union is not in unorganized territory, may separate the township from the union.

Where territory unorganized.

(2) If the junior township is in unorganized territory and has a population of not less than 100, the Municipal Board, upon the application of not less than 15 of the assessed freeholders and tenants therein, may separate the township from the union.

(3) If a junior township has 50, but less than 100 resident freeholders and tenants whose names are entered on the last revised assessment roll, and two-thirds of such resident freeholders and tenants petition the council of the county to separate the township from the union and the council considers the township to be so situated with reference to natural obstructions, that its inhabitants cannot conveniently remain united with the inhabitants of the other township or townships, the council may separate it from the union.

Separation of junior township containing 50 freeholders, etc.

(4) Where a union of townships consisting of more than two townships is dissolved by the withdrawal of a junior township, the remaining townships shall constitute the union which shall be continued under its former name, omitting that of the junior township.

Names of townships after separation.

(5) Where a union of townships consisting of two townships only is dissolved, the inhabitants of each of the townships shall become a separate corporation bearing the name of the township. R.S.O. 1927, c. 233, s. 30.

Where union of two is dissolved.

#### *Date When New Incorporation to Take Effect.*

**31.**—(1) Where a new corporation is constituted under this Act, the incorporation shall take effect on the 31st day of December next after the proclamation, order of the Municipal Board, or by-law by which it is effected, or on such other day as the functionary or body by which such incorporation is effected may fix, and the functionary or body by which the new corporation is constituted may, and where necessary shall, fix the dates and the place or places for holding the first nomination meeting and election, appoint a returning officer and otherwise provide for the holding of the election according to law.

Date when new incorporation to take effect.

(2) The returning officer shall perform all the duties in connection with the election which in other cases are to be performed by the clerk of a local municipality, and shall act as clerk of the new municipality until a clerk is appointed and has taken the oath of office. R.S.O. 1927, c. 233, s. 31.

Duties of returning officer.

*As to registration of by-laws, etc., erecting a village, town or city, or enlarging, diminishing or altering the boundaries of a municipality, see The Registry Act, Rev. Stat., c. 170, s. 72.*

#### *Matters Consequent upon the Formation of New Corporations.*

**32.** The erection of a district into a village or town, of a village into a town, or of a town into a city, or the separation of a township from a union of townships shall not affect the by-laws then in force in the district or municipality but the

By-laws of old corporation to remain in force until repealed.

same shall remain in force until repealed by the council of the newly erected municipality, but nothing herein shall authorize the amendment or repeal of a by-law which the council by which it was passed could not lawfully amend or repeal. R.S.O. 1927, c. 233, s. 32.

What by-laws to be in force in territory annexed to a municipality.

**33.** Where a district or a municipality is annexed to a municipality, its by-laws shall extend to such district or annexed municipality, and the by-laws in force therein shall cease to apply to it, except those relating to highways, which shall remain in force until repealed by the council of the municipality to which the district or municipality is annexed, and except by-laws conferring rights, privileges, franchises, immunities or exemptions which could not have been lawfully repealed by the council which passed them. R.S.O. 1927, c. 233, s. 33.

*Assets, Debts and Liabilities.*

Liability for debts of union.

**34.** Where a junior township is separated from a union of townships the senior or remaining township or townships shall be liable to the creditors of the union for all the debts and obligations of the union. R.S.O. 1927, c. 233, s. 34.

Taxes for current year to belong to senior or remaining townships.

**35.** Where a junior township is separated from a union of townships all taxes imposed by the council of the union for the year in which the separation takes place shall be collected and paid over to the senior or remaining township or townships. R.S.O. 1927, c. 233, s. 35.

Disposition of property upon dissolution of union.

**36.** After a junior township is separated from a union of townships the property of the union shall be disposed of as follows,—

Real property.

(a) the real estate situate in the junior township shall become the property of that township;

Idem.

(b) the real estate situate in the remaining township or townships shall be the property of the remaining township or townships;

Other assets.

(c) the two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between them, or shall be otherwise disposed of, as they may agree;

Arrangement as to property and debts.

(d) the one shall pay or allow the other, in respect of the disposition of the real and personal estate of the union, and in respect of its debts, such sum as may be just;



- (e) if the councils of the two corporations do not, within three months after the first meeting of the council of the junior township, agree as to the disposition of the personal estate, or as to the sum to be paid by the one to the other, or as to the time of payment thereof, the matters in dispute shall be determined by arbitration; How to be determined in case of disagreement.
- (f) the amount so agreed upon or determined shall bear interest from the day on which the union was dissolved, and the same shall be provided for by the corporation which is to pay it, as in the case of other debts. Amount settled to bear interest. R.S.O. 1927, c. 233, s. 36.

**37.** Where one local municipality is annexed to another the corporation of the latter shall become and be liable to the creditors of the corporation of the former for its debts and obligations and all the property and assets of the corporation of the annexed municipality shall be vested in the corporation of the municipality to which it is annexed, and that corporation shall have the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the council of the annexed municipality including those for the year in which the annexation takes effect, as if such taxes had been imposed by the council of the municipality to which it is annexed. Liability to creditors and right to collect taxes where one municipality annexed to another. R.S.O. 1927, c. 233, s. 37.

**38.—(1)** Where a district is erected into a village or town, or is detached from one and annexed to another local municipality, there shall be an adjustment of assets and liabilities between the corporation of the municipality from which the district becomes or is detached and the corporation of the village or town or of the municipality to which the district is annexed, as the case may be, and if the interest of the district in the assets of the corporation of the municipality from which it becomes or is detached exceeds its proportion of the liabilities thereof, that corporation shall pay to the corporation of the village or town or of the municipality to which the district is annexed, as the case may be, the amount of excess; but if the district's proportion of such liabilities exceeds its interest in such assets the corporation of the village or town or of the municipality to which the district is annexed, as the case may be, shall pay to the corporation of the municipality from which the district becomes or is detached the amount of the excess. Adjustment of assets and liabilities where village erected or district annexed to a municipality.

(2) If the corporations do not within three months after the separation takes effect agree as to such adjustment, the matter shall be determined by arbitration. Arbitration.



Where district becomes part of another county.

(3) Where a district is detached as well from a county as from the local municipality, of which it forms part, there shall be a similar adjustment of the assets and liabilities of the corporation of the county from which the district is detached between that corporation and the corporation of the county to which the district is annexed, and the provisions of subsections 1 and 2 shall *mutatis mutandis* apply.

When right to adjustment barred.

(4) If the corporation of the county, or of the local municipality, does not within three months after the separation takes effect, notify the corporation of the other county or local municipality that it requires an adjustment of the assets and liabilities, its right to claim an adjustment shall be barred.

Case of town erected into a city or a town or village annexed to city or separated town.

(5) Where a town not being a separated town is erected into a city, or a town or village is annexed to a city or separated town, there shall be a similar adjustment of the assets and liabilities of the corporation of the county from which the town or village is withdrawn between that corporation and the corporation of the city or separated town.

No allowance to city for interest in court house or gaol.

(6) Where a town is erected into a city the city shall not be entitled, in the adjustment of assets and liabilities to any allowance in respect of its interest in the court house or gaol of the county. R.S.O. 1927, c. 233, s. 38.

Ownership of real estate in district erected into village or annexed to a municipality.

**39.** Where a district is erected into a village or town or is detached from one local municipality and annexed to another, the real estate belonging to the corporation from which the district becomes or is detached and situate therein, shall belong to and be vested in the corporation of the village or town or of the municipality to which the district is annexed, as the case may be, but this shall not apply to a town hall and the land on which it is erected or which is used or enjoyed in connection with it, but the same shall remain the property of the corporation of the municipality from which the district becomes or is detached. R.S.O. 1927, c. 233, s. 39.

Collection of taxes.

**40.**—(1) Except where otherwise provided, the taxes imposed by the council of the municipality from which the district becomes or is detached for the year in which it is detached shall belong to the corporation of that municipality and may be collected and recovered by it as if the district had not been detached but still remained part of the municipality. R.S.O. 1927, c. 233, s. 40.

Priority of lien for taxes levied before detachment of lands.

(2) Taxes collectible under the provisions of subsection 1 shall be a prior lien upon the land upon which the same were levied in priority to any taxes subsequently levied thereon; and such prior lien shall not be lost or destroyed by reason of such

lands being sold for taxes subsequently levied or by reason of such lands under the authority of any Act being vested in the municipality of which the district is formed or to which it is attached because of the non-payment of taxes subsequently levied. 1934, c. 34, s. 2.

**41.**—(1) Where a work or service coming within the provisions of *The Municipal Drainage Act* or of *The Local Improvement Act* has been undertaken by a corporation, and after it has become liable for the carrying out of the same, any land liable to be specially assessed becomes a new municipality or is annexed to another municipality, the corporation of the municipality from which such land becomes or is detached may complete such work or service, and may enter upon and acquire any land lying within such new or other municipality necessary for the completion of such work or service, and may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all such special and other rates, issue and sell all such debentures, borrow all such money and do all such other acts and things as are necessary to complete such work or service and to provide for the cost thereof in the same manner as if the land so liable had not become a new municipality or been annexed to another municipality.

Power to proceed [with local improvements upon lands annexed to another municipality. Rev. Stat. cc. 278, 269.

(2) The corporation by which the work or service was undertaken shall be indemnified by the corporation of the municipality which is constituted from such land or to which such land is annexed against all debts and liabilities incurred by it before the formation of the new corporation or the annexation of such land for or in respect of any such work or service to the extent to which the land lying within such new or other municipality was specially assessed and in adjusting the assets and liabilities consequent on the detachment of such land the debts incurred by the corporation of the municipality from which it was detached, for its share of the cost of such work or service, shall be taken into account.

Municipality to which territory annexed to indemnify municipality undertaking work.

(3) Where the land specially assessed lies wholly within such new or other municipality, the corporation thereof shall be liable for the entire debt in respect of such work or service, and the clerk of the municipality from which the land was detached shall furnish the clerk of such new or other municipality with certified copies of all the by-laws relating to such work or service and the rates imposed by such by-laws shall be collected by the corporation of the new or other municipality, and that corporation shall pay the principal and interest of the debentures issued in respect of such work or service as they become due and shall indemnify the corporation of the municipality from which the land was detached against the same.

Assumption of debt where all of land specially assessed is detached.

Collection of special rates, etc., where part only of land specially assessed is detached.

(4) Where part only of the land specially assessed lies within the new or other municipality the clerk of the municipality from which it was detached shall furnish the clerk of such new or other municipality with a certified copy of the by-law imposing the special assessment, and the corporation of such new or other municipality in each year in which a special rate upon such lands is payable, shall collect the same and shall pay over the sums collected to the treasurer of the municipality from which such land was detached, when and as the same are collected, and in the adjustment of the assets and liabilities consequent upon the detachment of such land the debts incurred by the corporation of the municipality from which it was detached for its share of the cost of such work or service shall be taken into account. R.S.O. 1927, c. 233, s. 41.

Jurisdiction of old council on formation of new corporation.

**42.** Where a district is erected into a village, or a village into a town, or a town into a city, or a township is separated from a union of townships, the council having authority in the district or municipality at the time of the erection or separation shall, until the council of the new corporation is organized, continue to have the same powers as before such erection or separation. R.S.O. 1927, c. 233, s. 42.

### *Officials and Sureties.*

Effect of separation upon public officers and their sureties.

**43.—**(1) The separation of a junior township from a union of townships shall not affect the office, duty, power or responsibility of any officer of the union who continues to be an officer of the remaining township or townships after such separation, or of the sureties of such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the remaining township or townships.

Further provisions as to officers.

(2) Every such officer shall, after the separation, be the officer of the remaining township or townships as if he had been originally appointed an officer thereof.

Liability of sureties for public officers.

(3) The sureties for such officer shall remain liable, as if they had become his sureties in respect only of the remaining township or townships, and all securities shall, after the separation, be read as if they had been given only to or for the benefit of the remaining township or townships. R.S.O. 1927, c. 233, s. 43.

### *New Division into Wards.*

Division into wards.

**44.** Where the council of a city or town before the 15th day of July in any year, by a vote of two-thirds of all the

members, passes a resolution affirming the expediency of a division or a new division into wards of the city or town or of a part of it, the Municipal Board may divide or redive the city or town or part of it into wards as it may deem expedient, provided that no ward shall have a population of less than five hundred, and that there shall be at least three wards in any such city or town. R.S.O. 1927, c. 233, s. 44.

## PART II.

### MUNICIPAL COUNCILS—HOW COMPOSED.

#### *Counties.*

**45.**—(1) The council of a county shall be composed of the reeves and deputy reeves of the towns, not being separated towns, and of the villages and townships in the county. R.S.O. 1927, c. 233, s. 45. County councils.

(2) Where a town not being a separated town, or a village, or a township in a county, has more than 2,000 and not more than 3,000 municipal electors the reeve shall as a member of the county council have an additional vote, and where it has more than 3,000 municipal electors the reeve and the deputy reeve shall as members of the county council each have an additional vote. 1931, c. 50, s. 3. Vote of reeve and deputy reeve in towns, villages and townships.

(3) Subsections 2, 3 and 4 of section 51 shall apply to this section. 1937, c. 47, s. 1. Application of s. 51, subss. 2, 3 and 4.

#### *Cities.*

**46.**—(1) Subject to subsection 7 the council of a city shall be composed of a mayor, the members of the board of control, if the city has such a board, and Councils of cities, how composed.

(a) three aldermen for each ward; or

(b) where the council by by-law so provides two aldermen for each ward;

(c) in the case of a city having a population of not more than 15,000, where the council by by-law so provides, one alderman for every 1,000 of the population.

(2) In the case provided for by clause c of subsection 1, or where the council of a city having a population of more than 15,000 by by-law so provides, the aldermen shall be elected by general vote, and in the latter case the number of aldermen shall be the same as if they were elected by wards. By-law for election by general vote.



Repeal of  
by-law.

(3) A by-law for the purposes mentioned in clause *b* or *c* of subsection 1 shall not be repealed until at least two annual elections have been held under it, and a by-law under subsection 2 shall not be repealed until at least five annual elections have been held under it.

When and  
how by-law  
to be passed.

(4) A by-law for any of the purposes mentioned in subsections 1 and 2 and a by-law repealing any such by-law shall be passed not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the municipal electors.

When by-  
law to take  
effect.

(5) Every such by-law including a repealing by-law shall take effect at and for the purposes of the annual election next after the passing of it.

Submission  
of by-law  
on petition  
of electors.

(6) Subject to subsection 3 where the petition of at least one-fifth of the municipal electors is presented on or before the 1st day of November in any year, praying for the passing of a by-law repealing a by-law for the purpose mentioned in clause *c* of subsection 1, or where a petition of not less than 400 electors is presented praying for the passing of a by-law for the purpose mentioned in subsection 2, or for the repeal of a by-law passed under that subsection, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing annual election and if the voting is in favour of the change shall without delay pass a by-law in accordance with the prayer of the petition. R.S.O. 1927, c. 233, s. 46 (1-6).

Council of  
City of  
Toronto.

(7) Notwithstanding anything in any special Act, the council of the City of Toronto shall consist of the mayor and four controllers to be elected by general vote, and two aldermen for each ward. 1933, c. 37, s. 1.

### *Towns.*

Councils  
of towns in  
unorganized  
territory.

**47.**—(1) The council of a town in unorganized territory shall be composed of a mayor and six councillors to be elected by general vote.

Councils of  
towns over  
5,000.

(2) If the town has a population of not less than 5,000 the council may provide that the council shall be composed of a mayor and nine councillors to be elected by general vote. R.S.O. 1927, c. 233, s. 47.

Election  
by wards.

(3) Where a town in unorganized territory has been divided into wards the council may provide that the council shall be composed of a mayor and one councillor for each ward, and



the remaining councillors to complete the full number of six or nine, as the case may be, to be elected by general vote. 1932, c. 29, s. 2.

**48.**—(1) The council of a town not in unorganized territory having a population of more than 5,000 shall be composed of a mayor, a reeve, as many deputy reeves as the town is entitled to and three councillors for each ward where there are less than five wards, or two councillors for each ward where there are five or more wards. Councils of towns in counties.

(2) Where there are less than five wards the council on the petition of not less than 100 municipal electors shall provide that the number of councillors shall be two for each ward, or may without petition provide that the number of councillors shall be one for every 1,000 of the population to be elected by general vote, or if the population is less than 6,000 that the number of councillors shall be six to be elected by general vote. By-laws for changing composition of council.

(3) Where the town has a population of not more than 5,000 the council shall be composed of a mayor, a reeve, as many deputy reeves as the town is entitled to, and Case of town of not more than 5,000.

(a) six councillors to be elected by general vote; or

(b) where the council so provides one councillor for each ward and the remaining councillors to complete the full number of six to be elected by general vote. R.S.O. 1927, c. 233, s. 48(1-3).

(4) A by-law for any of the purposes mentioned in subsection 2 or 3 of section 47 or subsection 2 or clause *b* of subsection 3 of this section shall not be repealed until two annual elections have been held under it, and a by-law for the purpose mentioned in clause *b* of subsection 3 shall not be passed until two annual elections under clause *a* have been held. R.S.O. 1927, c. 233, s. 48 (4) ; 1932, c. 29, s. 3 (1). Repeal of by-laws.

(5) A by-law for any of the purposes mentioned in subsection 2 or 3 of section 47 or in subsections 2 and 3 of this section, and a by-law repealing any such by-law shall be passed not later in the year than the 1st of November and shall not be passed unless it has received the assent of the municipal electors. R.S.O. 1927, c. 233, s. 48(5) ; 1932, c. 29, s. 3 (2). Assent of electors required.

(6) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the annual election next after the passing of it. When by-law to take effect.

Submission  
of questions  
on petition  
of electors.

(7) Subject to subsections 2 and 4, where a petition of not less than one-fifth of the municipal electors is presented on or before the first day of November in any year praying for the passing of a by-law for any of the purposes mentioned in this section or for repealing any such by-law, except a by-law reducing the number of councillors to two for each ward, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing annual election and if the voting is in favour of the proposed change shall without delay pass a by-law in accordance with the prayer of the petition.

Submission  
of question  
of repeal.

(8) Subject to subsection 4, where a by-law has been passed for reducing the number of councillors to two for each ward, the council, upon the petition of not less than 100 resident municipal electors, presented not later in the year than the 1st day of November shall submit the question of repealing the by-law to a vote of the electors at the next ensuing annual election and if the voting is in favour of the repeal shall without delay pass a by-law in accordance with the prayer of the petition. R.S.O. 1927, c. 233, s. 48 (6-8).

Population,  
how de-  
termined.

**49.** For the purposes of sections 46 to 48 the population shall be determined by the latest census of Canada. R.S.O. 1927, c. 233, s. 49.

#### *Villages and Townships.*

Councils of  
villages and  
townships.

**50.**—(1) The council of a village and the council of a township shall consist of a reeve, as many deputy reeves as the municipality is entitled to, and a sufficient number of councillors to make up with the deputy reeves four in all, and they shall all be elected by general vote.

(2) The council of a township in unorganized territory shall consist of a reeve and four councillors. R.S.O. 1927, c. 233, s. 50.

#### *Towns, Villages and Townships.*

Deputy  
reeves.

**51.**—(1) A town not being a separated town, and a village and a township in a county shall each be entitled where it has more than 1,000 municipal electors to a deputy reeve. 1930, c. 44, s. 2 (1); 1931, c. 50, s. 5 (1).

(NOTE.—For application of subsection 1 of section 51 and subsection 2 of section 45 to the Townships of York and North York, see 1930, c. 50, s. 5.)

Number of  
electors,  
how deter-  
mined.

(2) The number of municipal electors shall be determined by the last revised voters' list but in counting the names, the name of the same person shall not be counted more than once,

and the name of a person who is a municipal elector by reason of being the wife or husband of the person so rated or entitled to be rated for land as mentioned in clause *d* of subsection 1 of section 56 or who is entered on the list as a farmer's daughter or farmer's sister or farmer's son's wife shall not be counted. R.S.O. 1927, c. 233, s. 51 (2); 1932, c. 29, s. 4; 1933, c. 37, s. 2 (1).

(3) It shall be the duty of the clerk of any such municipality having less than 10,000 municipal electors according to the last revised voters' list at least six days before the day fixed for holding the meeting for the nomination of candidates for membership in the council to send by registered letter post to the clerk of the county, a certificate under his hand and the seal of the corporation, stating the total number of municipal electors according to the last revised voters' list who are to be counted under the provisions of subsection 2, and to post up in his office a duplicate of such certificate. Certificate of clerk.

(4) If the clerk fails to send such certificate within the prescribed time he shall incur a penalty not exceeding \$50 and if he certifies to a larger number of municipal electors than should be counted under the provisions of subsection 2, he shall incur a penalty not exceeding \$200. 1928, c. 37, s. 2. Penalty for failure

### *Qualifications.*

**52.**—(1) Every person shall be qualified to be elected a member of the council of a local municipality who,— Qualification of candidates.

(a) is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within five miles of the municipality;

(b) is entered on the last revised voters' list as qualified to vote at municipal elections;

(c) is a British subject;

(d) is of the full age of twenty-one years; and

(e) is not disqualified under this or any other Act.

(2) The rating for land shall be in respect of a freehold or leasehold, legal or equitable, or partly of each. Rating for land.

(3) "Householder" shall mean the person who occupies and is assessed as owner or tenant of a dwelling or apartment house or part of a dwelling or apartment house separately occupied as a dwelling. Householder, meaning of.

Qualification  
where land  
annexed to  
urban  
municipality.

(4) Where territory has been annexed to an urban municipality, until an assessment roll for the municipality, including such territory, has been made and revised, it shall be sufficient for the purposes of this section if the assessment is upon the last revised assessment roll of the municipality in which the territory, before its annexation, was situate, and for a sufficient amount to qualify him for election to the council of that municipality.

Qualification  
in new  
township.

(5) Where the inhabitants of a township or locality in unorganized territory have become incorporated as a township or a union of townships, the only qualification necessary at the first election shall be that the person is of the full age of twenty-one years, a British subject and a householder resident in the municipality. R.S.O. 1927, c. 233, s. 52.

### *Disqualification.*

Persons  
disqualified  
from being  
members of  
a council.

**53.**—(1) The following shall not be eligible to be elected a member of a council or be entitled to sit or vote therein,—

- (a) a judge of any court;
- (b) a gaoler or a keeper of a lock-up;
- (c) a sheriff, deputy sheriff or sheriff's bailiff;
- (d) a chief constable of a city or town;
- (e) an assessment commissioner, assessor, a collector of taxes, a treasurer, a clerk, or any other officer, employee or servant of the corporation of a municipality;
- (f) a person other than the head of the council who is a member of a board or commission appointed or elected for the construction, management or control of an electric railway, street railway or steam railway which is owned by, or leased to, or controlled by a municipal corporation, or by trustees, or by any board or commission acting for or on behalf of such corporation, and this clause shall have effect notwithstanding the provisions of any general or special Act or any by-law of a municipal corporation;
- (g) a clerk or bailiff of a division court;
- (h) a Crown attorney or a clerk of the peace;
- (i) a registrar or a deputy registrar of deeds;
- (j) a master or a local master of titles;



- (k) a member of a board of education or of a public or separate school board of a city, town or village, or a member of a high school board, unless he has at least three days before the day of nomination filed his resignation with the secretary of the board;
- (l) a magistrate;
- (m) a clerk of a county or district court;
- (n) a deputy clerk of the Crown or a local registrar;
- (o) a person having himself or by or with or through another an interest in any contract with the corporation or with any commission or person acting for the corporation or in any contract for the supply of goods or materials to a contractor for work for which the corporation pays or is liable directly or indirectly to pay, or which is subject to the control or supervision of the council or of an officer of the corporation, or who has an unsatisfied claim for such goods or materials; R.S.O. 1927, c. 233, s. 53 (1), cls. (a-o).
  - (i) "contract" in this clause includes in cities, towns and villages, a contract with public and high school boards and boards of education; 1930, c. 44, s. 3.
- (p) a person who, either himself or by or with or through another has any claim, action or proceeding against the corporation, but this clause shall not apply with respect to any moneys paid or payable to a member of council under the provisions of section 444, 445, 446 or 447; R.S.O. 1927, c. 233, s. 53 (1), cl. (p); 1932, c. 29, s. 5.
- (q) a person who, either himself or by or with or through another, is counsel or solicitor in the prosecution of any claim, action or proceeding against the corporation or in opposing or defending any claim, action or proceeding by the corporation; R.S.O. 1927, c. 233, s. 53 (1), cl. (q).
- (r) an owner or tenant against the land in respect of which he qualifies there are at the time of the nomination any taxes of a preceding year or years overdue and unpaid;
- (s) a tenant who at the time of the nomination owes more than three months' rent upon the property in respect of which he qualifies; 1935, c. 43, s. 3 (1).



(t) a person who is an undischarged bankrupt or insolvent within the meaning of any bankruptcy or insolvency Act in force in Ontario; 1928, c. 37, s. 3.

(u) a person whose taxes in respect of an assessment for income or business at the time of the nomination are overdue and unpaid. 1935, c. 43, s. 3 (2).

Ineligibility of member whose term of office has not expired to qualify for another office unless he resigns his present office.

(2) In any municipality in which under the provisions of this or any special Act members of council are elected for a term of two or more years, no person who is a member of the council and whose term of office has at least two months to run after the day on which the nomination meeting for the annual municipal election is to be held shall be eligible to be nominated for membership in the council in any other office unless he has at least ten days before the day of nomination filed his resignation from the office which he then holds with the clerk of the municipality, and the clerk shall not place on the ballot paper the name of any such person as a candidate who fails to file such resignation within the time aforesaid. 1936, c. 39, s. 2 *part*.

Disqualification not to apply in certain cases.

(3) Subsection 1 shall not apply to a person by reason only,—

- (a) of his being a shareholder in an incorporated company having dealings or a contract with the corporation; or
- (b) of his being a lessee of the corporation for a term of twenty-one years or upwards of any property of the corporation; or
- (c) that part of his property is exempt wholly or in part from taxation, whether such exemption is founded on an agreement with the corporation or on a by-law of the council; or
- (d) of his being the proprietor of or otherwise interested in a newspaper or other periodical publication in which official advertisements or notices which appear in other newspapers or periodical publications are published by the council or for which the council is a subscriber or which is furnished to any department or officer of a corporation if the same are paid for at the usual rates, and he has not agreed with the corporation to do the whole or the principal part of its printing;
- (e) of his having been appointed and paid for his services as commissioner, superintendent or overseer of any highway or of any work undertaken wholly or in part at the expense of the corporation;

- (f) of his being a consumer or taker of anything supplied by the corporation or any commission under *The Public Utilities Act* or of his having entered into a contract with the corporation or commission for the supply of it to him; Rev. Stat. c. 286.
- (g) of his having entered into an agreement of sale with a municipal housing commission; R.S.O. 1927, c. 233, s. 53 (2).
- (h) of his being assessed as the owner of lands against which taxes are overdue and unpaid, if at the time of the election he is not the owner of such lands and if such taxes became due after he ceased to own the said lands. 1931, c. 50, s. 7.

(4) A person being such a shareholder shall not vote on any question affecting the company or being such a lessee shall not vote on any question affecting his lease or his rights or liabilities thereunder, or being so exempt from taxation shall not vote on any question affecting the property so exempt, or being such a proprietor of or otherwise interested in a newspaper or other periodical publication shall not vote on any question affecting his dealings with the corporation. Persons not to vote on certain questions.

(5) The filing of the resignation mentioned in clause *k* of subsection 1 shall render vacant the seat of the member. R.S.O. 1927, c. 233, s. 53 (3, 4). Resignation, when to vacate seat.

(6) Notwithstanding the provisions of clause *f* of subsection 1 and of section 37 of *The Public Utilities Act*, a member of a board or commission appointed or elected for the construction, management or control of an electric railway, street railway or steam railway mentioned in said clause *f* may be appointed or elected and be entitled to sit and vote as a member of a commission established under *The Power Commission Act*, *The Public Utilities Act* or any special Act for the management and control of a public utility. 1936, c. 39, s. 2 *part*. Appointments to two commissions, etc.

**54.** If a member of a council in his own name or in that of another and alone or jointly with another enters into a contract with or makes a purchase from or a sale to the corporation, the contract, purchase or sale as against the corporation shall be void. R.S.O. 1927, c. 233, s. 54. Contracts by members with corporation to be void.

#### *Exemptions.*

**55.** The following shall be exempt from being elected as members of a council and from being appointed to any municipal office,— Persons exempt.

- (a) persons of the age of sixty years and upwards;
- (b) members and officers of the Senate, or of the House of Commons of Canada, or of the Assembly;
- (c) coroners;
- (d) clergymen and ministers of every denomination;
- (e) members of the Law Society of Upper Canada, whether barristers or students;
- (f) officers of courts of justice;
- (g) physicians and surgeons;
- (h) professors, masters and teachers, and the officers and servants of a university, college or school in Ontario;
- (i) millers;
- (j) officers and members of a fire brigade or of an authorized fire company. R.S.O. 1927, c. 233, s. 55.

## PART III.

## MUNICIPAL ELECTIONS.

*Who to be entered on Voters' List.*

Qualifica-  
tion to be  
entered on  
voters' list.  
Rev. Stat.  
c. 7.

**56.**—(1) Every person shall be entitled to be entered on the voters' list prepared under Part I or II of *The Voters' Lists Act*, who is,—

- (a) of the full age of twenty-one years;
- (b) a British subject by birth or naturalization;
- (c) not disqualified under this Act or otherwise by law prohibited from voting; and

R.S.O. 1927, c. 233, s. 56 (1), cls. (a-c).

- (d) rated, or entitled to be rated to the amount hereinafter mentioned on the last revised assessment roll of the local municipality for land held in his or her own right as owner or tenant or who is the wife or husband of the person so rated or entitled to be rated for land as owner or tenant, or who is entered or was entitled to be entered on such roll as a farmer's son, farmer's daughter or farmer's sister or who is the wife of a person who is entered or was entitled to be entered on such roll as a farmer's son. 1933, c. 37, s. 2 (2); 1936, c. 40, s. 2 (1).

Amount of  
rating  
necessary.

(2) The rating for land shall be in respect of a freehold or leasehold, legal or equitable or partly of each to an amount not less than,—

(a) in villages and townships, \$100.

(b) in towns having a population not exceeding 3,000, \$200;

(c) in towns having a population exceeding 3,000, \$300;

(d) in cities, \$400. R.S.O. 1927, c. 233, s. 56 (2).

(3) If both the owner and the occupant are severally but not jointly rated, each shall be deemed to be rated. R.S.O. 1927, c. 233, s. 56 (4). Where owner and occupant severally rated.

(4) If the rating of land owned or occupied by two or more persons jointly and not severally is sufficient, if equally divided among them, to give a qualification to all, each of them shall be deemed to be rated within the meaning of this section, and if such rating is insufficient to qualify all, so many of them shall be deemed to be rated within the meaning of this section as will result in whole numbers from a division of the minimum rating prescribed by subsection 2 into the total rating of the land, and in such case the persons who shall be deemed to be rated shall be named in a writing to be signed by all such joint owners or occupants and upon such nomination being filed with the clerk. 1936, c. 39, s. 3. Joint tenancy.

(5) A person not entitled under *The Assessment Act* to be entered on the last revised assessment roll as a farmer's son, or farmer's daughter, or a farmer's sister by reason of not having resided on the farm as therein required, shall be entitled to be entered on the voters' list if he or she has the other qualifications of a farmer's son, or a farmer's daughter, or a farmer's sister as prescribed by that Act and has resided on the farm of his or her father or mother or brother for the twelve months next preceding the date of the final revision of the assessment roll or for the twelve months next preceding the last day for making complaint to the judge under *The Voters' Lists Act*, and where under the provisions hereof a farmer's son is entered on the list his wife, if otherwise qualified, shall also be entered thereon. R.S.O. 1927, c. 233, s. 56 (6); 1931, c. 50, s. 8 (2); 1933, c. 37, s. 2 (3). Farmers' sons, daughters and sisters. Rev. Stat. c. 272.

(6) Occasional or temporary absence from the farm for a time or times not exceeding in the whole six of the twelve months shall not disentitle a farmer's son, or farmer's daughter, or farmer's sister to be entered on the voters' list. R.S.O. 1927, c. 233, s. 56 (7); 1931, c. 50, s. 8 (3); 1933, c. 37, s. 2 (4). Occasional or temporary absence.

(7) Where after the voters' list has been finally revised, the clerk is satisfied that the name of a person entitled to be entered thereon under this section has by error been omitted therefrom he may, if such person is entered on the last revised assessment Certificate for voters if names omitted.



roll and is not otherwise disqualified, issue a certificate (Form 10), authorizing the returning officer or proper deputy returning officer to enter the name of such person on the voters' list to entitle him to vote as if his name had been entered thereon before the list was revised. 1933, c. 37, s. 3.

### *Right to Vote.*

Right to  
vote at  
municipal  
elections.

Exception.

**57.** Subject to sections 60, 61 and 62, every person whose name is entered on the proper voters' list shall be entitled to vote at a municipal election, except that in the case of the wife or husband of a tenant she or he shall not be entitled to vote unless the tenant is a resident of the municipality at the date of and has resided therein for one month next before the election and in the case of a farmer's son or farmer's daughter, or farmer's sister, he or she is a resident of the municipality at the date of the election. 1931, c. 50, s. 9; 1933, c. 37, s. 2 (5).

Qualifica-  
tions not to  
be questioned  
at election  
except as  
to non-  
residence.

**58.** Except as to the disqualification arising from not residing in the municipality at the time of the election in the case of a farmer's son, or farmer's daughter, or farmer's sister voter, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters' list, no question as to the qualifications of any person whose name is entered on the proper list of voters shall be raised at an election. 1931, c. 50, s. 10; 1933, c. 37, s. 2 (6).

Disqualifica-  
tion of hus-  
band or wife  
of tenant.

**59.** Any man or woman entered upon the list as the husband or wife of a tenant who is disqualified from voting under the provisions of sections 57 and 58 shall also be disqualified from voting. R.S.O. 1927, c. 233, s. 59.

Persons in  
default for  
non-payment  
of taxes not  
to vote.

**60.**—(1) No person whose name appears on the defaulters' list provided for by section 106 shall be entitled to vote in respect of real property in a municipality, the council of which has passed a by-law under paragraph 8 of section 405, unless at the time of tendering his vote he produces and leaves with the deputy returning officer a certificate from the treasurer, or the collector, showing that the taxes, in respect of which the default was made, have since been paid. R.S.O. 1927, c. 233, s. 60 (1); 1936, c. 40, s. 3.

Certificate  
to be filed.

(2) The deputy returning officer shall file the certificate and note the same on the defaulters' list. R.S.O. 1927, c. 233, s. 60 (2).



**61.** The clerk of the municipality shall not be entitled to vote except to give a casting vote as provided by section 140. Clerk may give a casting vote only.  
R.S.O. 1927, c. 233, s. 61.

**62.**—(1) No person shall be entitled to vote who, at any time, before or during the election, has been employed as counsel, agent, solicitor or clerk or in any other capacity by a candidate or by any other person at or in reference to, or for the purpose of forwarding the election, and who has received or expects to receive, either before, during or after the election, from any candidate or from any other person, for acting in such capacity, any money, fee, office, place or employment, or any promise, pledge or security therefor. Persons employed by candidates for reward not to vote.

(2) Subsection 1 shall not apply to a person who performs any official duty in connection with the election and who receives the fees therefor to which he is entitled. Exceptions. R.S.O. 1927, c. 233, s. 62.

**63.** Where territory has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory erected into a town, or a new town or village erected, and an election takes place before a voters' list including the names of the persons entitled to vote in such territory, or for the new town or village, is certified by the judge, all persons who would have been qualified as municipal electors if such addition had not been made or the new town or village erected, shall be entitled to vote in the city, town or village at such election. Where territory added to city, town or village, or a new city, town, or village erected with added territory, and no voters' lists including such territory. R.S.O. 1927, c. 233, s. 63.

### *Nomination Meeting.*

**64.** Subject to subsection 5 of section 65 and to sections 74, 75 and 76, a meeting of the electors shall take place for the nomination of candidates for mayor and controllers in cities and towns, and for reeve or reeve and deputy reeve or deputy reeves in towns, at the hall of the municipality annually on the last Monday in December, at ten o'clock in the forenoon. Meeting for nomination of mayor, controllers, reeve, deputy reeves.  
R.S.O. 1927, c. 233, s. 64.

**65.**—(1) Subject to subsections 3 to 7, and to section 75, a meeting of the electors shall take place for the nomination of candidates for aldermen in cities and councillors in towns, to be elected by general vote, and for reeves, deputy reeves and councillors in villages and townships, annually at noon, on the last Monday in December, at the hall of the municipality, or at such place therein as may from time to time be fixed by by-law. Meetings in cities, towns, etc. for nomination of aldermen, councillors, etc.

Where  
election  
by wards.

(2) Where the election of aldermen or councillors is by wards, the meeting shall be held annually at noon on the last Monday in December at such places in each ward as may from time to time be fixed by the by-law, but the council of a town divided into wards may provide that the meeting for the nomination of candidates for councillors for the wards shall be held at the same time and place as the nomination for mayor.

Hour for  
holding  
nominations  
in cities.

(3) The council of a city may by the by-law fixing the places for the nomination of candidates for aldermen, provide that the hour of nomination shall be half-past seven o'clock in the afternoon. R.S.O. 1927, c. 233, s. 65 (1-3).

Where  
election by  
general vote.

(4) Where the election of aldermen in cities and councillors in towns is by general vote, the council may by by-law provide that the meeting for the nomination of candidates for aldermen or councillors shall be held at the same time and place as the nomination for mayor. 1928, c. 37, s. 4.

In cities,  
towns,  
townships  
and villages.

(5) The council of a city, town, township or village may by by-law provide that the meeting for the nomination of all candidates may be held at half-past seven o'clock in the afternoon and any such by-law shall remain in force from year to year until it is repealed. R.S.O. 1927, c. 233, s. 65 (4); 1930, c. 44, s. 4.

In  
townships.

(6) The council of a township may by by-law provide that the meeting for the nomination of all candidates shall be held at one o'clock in the afternoon.

Where  
township  
adjoins  
urban  
municipality.

(7) Where a township adjoins an urban municipality, that municipality may be designated as the place of meeting for the nomination of all candidates. R.S.O. 1927, c. 233, s. 65 (5, 6).

If  
nomination  
day falls on  
Christmas.

**66.** The nomination meeting shall be held on the day fixed for it by or under the authority of this Act, except where it is Christmas Day, and in that case the meeting shall be held on the preceding Friday. R.S.O. 1927, c. 233, s. 66.

Nomination  
and polling  
in new  
municipality.

**67.** Where the corporation of a new municipality takes effect on the 31st day of December as provided by section 31, the nomination and all proceedings incidental thereto and to the holding of the election on the first Monday of the January following may be had and taken as if the incorporation had taken effect. R.S.O. 1927, c. 233, s. 67.

Notice of  
nomination  
meeting.

**68.** The returning officer shall give at least six days' notice of the nomination meeting. R.S.O. 1927, c. 233, s. 68.

**69.**—(1) At all nomination meetings, the candidates for each office shall be proposed and seconded *seriatim*, and every nomination shall be in writing, shall state the name, residence and occupation of the candidate, and shall be signed by his proposer and seconder, both of whom shall be present, and filed with the returning officer within one hour from the time fixed for holding the meeting.

Nomination and proceedings incident thereto.

(2) Failure to comply with the provisions of subsection 1 shall not invalidate the nomination if it is received and acted on by the returning officer without objection.

Non-compliance, effect of.

(3) If no more candidates are nominated for an office than are to be elected, the returning officer, after the lapse of one hour from the time fixed for holding the meeting, shall declare such candidate duly elected.

Where only one candidate nominated.

(4) If more candidates are nominated for an office than are to be elected, the returning officer shall adjourn the proceedings until the first Monday in January next thereafter, when, unless there is an election by reason of the resignation of any candidate or candidates nominated, as in section 70 provided, polls shall be opened in each ward or polling subdivision at such place or places as have been fixed by by-law. R.S.O. 1927, c. 233, s. 69.

In what cases poll to be held.

**70.**—(1) The returning officer shall, on the day of the nomination, post up in the office of the clerk the names of the persons nominated for the respective offices.

Names of candidates to be posted up.

(2) At the nomination meeting or at any time before nine o'clock in the afternoon of the following day, or, if that day is a holiday, before noon of the succeeding day, any person nominated for one or more offices may resign, or may elect for which office he is to remain nominated, and in default he shall be deemed to be nominated for the office for which he was first nominated.

Resignation of person nominated.

(3) Where he resigns after the nomination meeting, the resignation shall be in writing, signed by him and attested by a witness, and shall be delivered to the clerk within the time hereinbefore mentioned.

When resignation to be in writing.

(4) Every candidate for any municipal office shall, on nomination day, or before nine o'clock in the afternoon of the following day, or if that day is a holiday before noon of the succeeding day, file in the office of the clerk a declaration (Form 2). R.S.O. 1927, c. 233, s. 70 (1-4).

Candidates to file declaration of qualification.

(5) In cities and towns before making the declaration, the candidate shall submit to the treasurer or collector particulars of the land in respect of which he intends to qualify and shall

Certificate as to taxes (cities and towns).

procure from him and file with his declaration a certificate that there are no taxes of a preceding year or years against such land which are overdue and unpaid, and the clerk shall not place on the ballot paper the name of any candidate who fails to file such certificate with his declaration. 1937, c. 47, s. 3 (1).

When declaration may be made by some one for candidate.

(6) Where a candidate is unable on account of illness or absence from the municipality to make the declaration or to file it within the time prescribed by subsection 4, and he appears by the last revised assessment roll to be qualified to be elected, the declaration of any person who has and states in the declaration that he has knowledge of the facts, that the inability exists and the nature of it and that he has reason to believe and does believe that the candidate possesses the qualification prescribed for the office for which he has been nominated and that if elected he will accept the office, may be filed in lieu of the declaration of the candidate.

Effect of failure to make declaration.

(7) If one or other of such declarations is not filed within the time mentioned in subsection 4, the candidate in default shall be deemed to have resigned, and his name shall be removed from the list of candidates and shall not be printed on the ballot paper.

Election by acclamation when other candidates retire.

(8) If by reason of resignations, the number of candidates remaining for any office does not exceed the number to be elected, the returning officer, whether the event happens on or after nomination days, shall declare the remaining candidate or candidates duly elected.

Declaration by person elected by acclamation.

(9) Any person elected by acclamation shall make a declaration of qualification within one week after the day of nomination and in default he shall be deemed to have resigned.

Result of nomination meeting.

(10) On the day following the nomination day, the returning officer for each ward shall certify to the clerk the result of the meeting. R.S.O. 1927, c. 233, s. 70 (5-9).

Non-election of full council by reason of retirement of candidates.

**71.**—(1) Where the candidates, or any of them, retire, and by reason of such retirement or where from any other cause the requisite number of persons is not elected, the members elected, if they equal or exceed one-half of the council when complete, or a majority of such members shall order a new election to be held to fill the vacancies. R.S.O. 1927, c. 233, s. 71 (1).

When less than half council elected—procedure.

(2) Where less than half the members of the council are elected, the clerk shall cause a new election to be held to fill the vacancies, and until such election is held and the council, or sufficient members to exceed one-half thereof when complete, are elected, the council of the preceding year shall continue in office. 1933, c. 37, s. 4.



(3) The new election shall be held as soon as practicable. New election, when to be held.  
R.S.O. 1927, c. 233, s. 71 (3).

**72.** If a candidate for any office dies after being nominated and having qualified and before the close of the poll, the returning officer shall fix a new day for nomination of candidates for such office and for polling, and the proceedings in such case shall as nearly as practicable be the same as for a new election. New election in case of death of candidate.  
1936, c. 39, s. 4.

**73.** Except in the case of the first election provided for by sections 24 and 27 and subject to sections 74, 75, 76 and 77, the electors of every local municipality shall elect annually on the first Monday in January, although it is a holiday, the members of council, the water commissioners, and the sewerage commissioners who are to be elected, except such as have been elected at the nomination. Elections to be held annually.  
R.S.O. 1927, c. 233, s. 72; 1937, c. 47, s. 4.

**74.** The council of a local municipality may, by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for mayor, controllers, aldermen, reeves, deputy reeves, councillors, and in urban municipalities, the public school board, and the board of education shall be held on the 23rd day of December, except where that day is a Saturday or a Sunday and in that case on the preceding Friday, and that the polling shall take place on the 1st day of January next thereafter, except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed. By-laws for holding nominations on 23rd December and elections on New Year's Day.  
R.S.O. 1927, c. 233, s. 73.

**75.** The council of any city having a population of not less than 100,000 may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for mayor, controllers, aldermen and the board of education, shall be held on the 21st day of December, except where that day is a Saturday or a Sunday, and in that case on the preceding Friday, and that the polling shall take place on the 1st day of January next thereafter except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed. Time for nomination and polling in cities over 100,000.  
R.S.O. 1927, c. 233, s. 74.

**76.** The council of any local municipality may by by-law, passed not later in the year than the 1st day of November, provide that the meeting of electors for nomination of candidates for mayor, controllers, aldermen, reeves, deputy reeves, councillors and in urban municipalities the public school board By-laws fixing date of nomination and polling in local municipalities.



and the board of education, shall be held on the Friday preceding the last Monday in November, and that polling shall take place on the first Monday in December, and the by-law shall remain in force from year to year until repealed. R.S.O. 1927, c. 233, s. 75; 1930, c. 44, s. 7.

By-laws for holding elections on 14th December.

**77.** The council of a local municipality may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for mayor, controllers, aldermen, reeves, deputy reeves, councillors and in urban municipalities the public school board and the board of education, shall be held on the first Friday in December and that polling shall take place on the 14th day of December, except where that day is a Saturday or a Sunday and in that case on the following Monday. 1937, c. 47, s. 5.

Term of office.

**78.** The members of a council shall hold office until their successors are elected and the new council is organized. R.S.O. 1927, c. 233, s. 76.

Two years' term for councils may be adopted.

**79.** The council of a local municipality may by by-law passed with the assent of the municipal electors, extend the term of office of the members of the council to be thereafter elected to two years, and may with the like assent repeal such by-law. R.S.O. 1927, c. 233, s. 77.

Election to be held in municipality.

**80.** Subject to subsection 7 of section 65 and to section 88, the election shall be held in the municipality. R.S.O. 1927, c. 233, s. 78.

Appointment of places for nomination and polling, deputy returning officers, etc.

**81.—(1)** The council of every local municipality in which the election is by wards or polling subdivisions, shall from time to time appoint,—

- (a) the places for holding the nominations for each ward;
- (b) a returning officer to hold the nomination for each ward;
- (c) the places at which polls shall be opened if a poll is required;
- (d) a deputy returning officer and a poll clerk for each polling subdivision.

Election officers, how appointed in cities over 100,000.

**(2)** In a city having a population of not less than 100,000, the returning officers, deputy returning officers, and poll clerks shall be appointed on the recommendation of the clerk, and such appointments shall be made at least one month before

polling day, and as far as practicable the deputy returning officers and poll clerks shall be appointed for polling places in the subdivisions in which they reside.

(3) If a poll clerk signifies to the returning officer in writing that he will not act, the returning officer shall appoint another person to act in his place. Poll clerk refusing to act, etc.

(4) If a poll clerk does not attend at the opening of the poll, the deputy returning officer shall appoint another person to act in his place. Appointment of poll clerk by D. R. O. R.S.O. 1927, c. 233, s. 79.

**82.** The clerk shall be the returning officer for the whole municipality, and if a poll is required, the deputy returning officers shall make to him the returns for their respective wards or polling subdivisions. Clerk to be returning officer for whole municipality. R.S.O. 1927, c. 233, s. 80.

**83.** By-laws may be passed by the councils of local municipalities for dividing the wards of the city or town, or the village or township into two or more convenient polling subdivisions, and for establishing polling places therein: Polling subdivisions and places.

(a) Except in cities, every polling subdivision shall have well-defined boundaries, such as streets, side lines, concession lines or the like, and shall be formed in the most convenient manner, and so that the number of electors in each polling subdivision shall be as nearly as possible equal. Boundaries of polling subdivisions. R.S.O. 1927, c. 233, s. 81, cl. (*a*).

(b) Such polling subdivisions shall be made or varied whenever the number of the electors in any polling subdivision in a city exceeds 450, and in any other municipality 300, in such a manner that the number in any polling subdivision in such a city shall not exceed 450 and that the number in any polling subdivision in any other municipality shall not exceed 300. Number of electors in a subdivision. 1936, c. 39, s. 5 (1).

(c) Where a municipality embraces parts of two or more electoral districts, a polling subdivision shall include territory in one electoral district only. Not to be in more than one electoral district.

(d) Subject to clause *f*, any alteration of polling subdivisions, or creation of new polling subdivisions, shall be made before the publication of the voters' lists. Alteration of subdivisions. R.S.O. 1927, c. 233, s. 81, cls. (*c*, *d*).

(e) Whenever the clerk finds that the number of electors in a polling subdivision exceeds 450 in a city, or 300 in any other municipality, he shall notify the council Duty of clerk when population exceeds limit.

of the fact. R.S.O. 1927, c. 233, s. 81, cl. (*e*); 1936, c. 39, s. 5 (2); 1937, c. 47, s. 6.

Changes made after voters' lists made up.

- (*f*) Where such alterations have not been made before the publication of the voters' lists, they shall be made forthwith thereafter, but shall not take effect until the next voters' lists are being prepared.

New subdivision to be made when necessary.

- (*g*) Whenever the council is of opinion that the convenience of the electors will be thereby promoted, the council may make a redivision into polling subdivisions, and such redivision shall be made in conformity with this section.

Determining number of electors.

- (*h*) The number of electors shall be determined by the last revised assessment roll of the municipality.

Subdivisions to be numbered.

- (*i*) The polling subdivisions shall be numbered consecutively, and a copy of the by-law, by which they are established, certified under the seal of the corporation and the hand of the clerk to be a true copy, shall, forthwith, after the passing thereof, be filed by the clerk in the office of the clerk of the peace of the county or district in which the municipality is situate.

Appeal.

- (*j*) Any five electors may at any time within two months after such filing appeal in respect of any polling subdivision to the judge of the county or district court of the county or district, who shall have power to amend the by-law so as to make it conform with the provisions of this section, and the procedure on the appeal shall be the same as on a motion to quash a by-law, except that no recognizance or deposit shall be required.

Election not to be voided if subdivision is wrongly formed.

- (*k*) An election shall not be irregular or void or voidable for the reason that a polling subdivision which contains more than the prescribed number of electors has not been divided, if in the case of a city having a population of not less than 100,000 it does not contain more than 300, or in the case of any other municipality more than 400 electors.

Subdivision for election about to be held.

- (*l*) Where a polling subdivision in a city having a population of not less than 100,000 contains more than 300 electors, or a polling subdivision in any other local municipality contains more than 400 electors, or where a local municipality is not subdivided into polling subdivisions, the council shall for the purpose of an election about to be held or a vote about to be taken subdivide it into as many subdivisions as may

be necessary to provide in the case of such a city, one for every 200 electors, and in the case of any other local municipality, one for every 300 electors.

- (m) Notwithstanding the provisions of the foregoing clauses *k* and *l* in the case of a city having a population of not less than 100,000 where it is impracticable to subdivide any polling subdivision so as to comply therewith, an election shall not be irregular or void or voidable for the reason that any polling subdivision contains more than the prescribed number of electors. R.S.O. 1927, c. 233, s. 81, cls. (*f-m*). Polling subdivision in city over 100,000.

**84.**—(1) By-laws may be passed by the councils of towns and villages for uniting for the purpose of any municipal election, including the election of school trustees, or the voting on a by-law or on a question submitted to the electors, any two adjoining polling subdivisions with one polling place therefor. R.S.O. 1927, c. 233, s. 82 (1) ; 1936, c. 39, s. 6. Uniting polling subdivisions.

(2) By-laws may be passed by the councils of townships bordering upon a city having a population of not less than 100,000 for all the purposes mentioned in subsection 1 except the election of school trustees. R.S.O. 1927, c. 233, s. 82 (2). Idem.

**85.** By-laws may be passed by the councils of cities and towns and of townships bordering on a city having a population of not less than 100,000 for providing that either, or both public and separate school houses within the municipality or a public building belonging to or controlled by the corporation and within the municipality shall be used for a polling place, or for polling places, for one or more polling subdivisions and any such school house or public building may be used, although it is not situated in the polling subdivision or polling subdivisions for which it is used. Using public and separate schools for polling places.

- (a) Where a school house is so used, the council shall forthwith pay to the board having control of such school house a sum sufficient to cover any damage done to it and any expense for cleaning or otherwise caused by such use. Payment therefor.

- (b) No school shall be so used without the consent of the board having control of such school. Consent of school board.

- (c) The board of commissioners of police or the chief constable shall cause a constable or clerk as the case may be to attend at each polling place in a school house or public building in which an election is being held there to perform the duties required by this Act of a constable appointed by the returning officer. R.S.O. 1927, c. 233, s. 83. Constable to attend each such polling place.



Polling places.

**86.** In cities having a population of not less than 100,000 where difficulty arises in obtaining a suitable polling place in any polling subdivision, by-laws may be passed by councils of such cities for providing a polling place for such polling subdivision in an adjoining polling subdivision. 1930, c. 44, s. 8.

In certain cases clerk may choose polling place.

**87.** Where a polling place has been appointed for holding an election, or for taking a vote in a local municipality, and it is afterwards found that the building cannot be obtained, or is unsuitable for the purpose, the clerk may select in lieu of it the nearest suitable building which is available, and he shall post up and keep posted up a notice on the building named in the by-law, and in two other conspicuous places near by, directing the voters to the place so selected. R.S.O. 1927, c. 233, s. 84.

Place of polling.

**88.** The council of a township in which an urban municipality is situate, may the place of polling for any adjoining subdivision within the limits of such urban municipality. R.S.O. 1927, c. 233, s. 85.

Returning officer where election not by polling subdivisions.

**89.**—(1) In a local municipality which is not divided into polling subdivisions, the clerk or such person as the council may appoint to act in the absence of the clerk through illness or otherwise, shall be the returning officer for the nomination of candidates.

Polling place.

(2) The council shall from time to time appoint the place at which the poll shall be opened if a poll is required. R.S.O. 1927, c. 233, s. 86.

Place for nomination and polling where council fails to fix places.

**90.**—(1) Where a by-law to appoint the place for holding any meeting required to be held for the nomination of candidates is necessary and the council fails to pass it, the meeting shall be held at the place at which the nomination for the next preceding election was held.

(2) Where the council fails to appoint all or any of the places at which a poll is to be opened if a poll is required, as to such of them as are not appointed, the polls shall be opened at the place or places at which the polling took place at the next preceding election. R.S.O. 1927, c. 233, s. 87.

Refusal or neglect of returning officer or deputy returning officer to perform his duties.

**91.**—(1) Where the returning officer for any ward notifies the clerk that he is unable or that he refuses to act or does not attend at the time and place appointed by the clerk to receive his instructions and nomination papers, or where a deputy returning officer does not attend at the time and place at which he is required by the clerk to attend to receive his ballot box, voters' lists, and other election papers, the clerk shall appoint another person to act in his place.



(2) If at the time and place appointed for holding a nomination the returning officer does not attend to hold the nomination within fifteen minutes after the time appointed or if no returning officer has been appointed, the electors present at the place for holding the nomination may choose from amongst themselves a returning officer to hold the nomination.

When electors may choose returning officer.

(3) If at the time and place appointed for holding the poll the deputy returning officer does not attend within one hour after the time appointed, the clerk shall appoint another person to act in his place and shall furnish him with a ballot box, voters' lists and other election papers.

Case of deputy returning officer not attending at poll.

(4) In a city having a population of not less than 100,000, a deputy returning officer shall not be appointed unless a poll clerk has not been appointed or if appointed is not present, but the poll clerk shall act as deputy returning officer and he shall appoint some other person to be poll clerk.

When poll clerk to act as deputy.

(5) If, during the polling, the returning officer or the deputy returning officer at a polling place becomes unable, through illness or other cause, to perform his duties, the poll clerk shall act in his place and shall perform all the duties of a returning officer or deputy returning officer, and may appoint some other person to act as poll clerk. R.S.O. 1927, c. 233, s. 88.

Where returning officer or deputy is unable to perform his duties.

**92.**—(1) A returning officer and a deputy returning officer from the time he takes the oath of office until the day after the close of the election or of the voting on a by-law shall be a conservator of the peace and shall have all the powers of a justice of the peace.

Returning officers and deputy returning officers to be conservators of the peace.

(2) A returning officer, a deputy returning officer or a justice of the peace may arrest or by a verbal order cause to be arrested and placed in the custody of a constable or of any other person a person who disturbs the peace and good order and may cause such person to be imprisoned under an order signed by him until an hour not later than the closing of the nomination, polling or voting, as the case may be, and all constables and persons present when required shall assist the returning officer, deputy returning officer or justice of the peace in the performance of his duties under this subsection. R.S.O. 1927, c. 233, s. 89.

Arrest of person disturbing peace.

**93.** A returning officer, a deputy returning officer, or a justice of the peace may appoint and swear in as many special constables to assist in the preservation of the peace and order as he may deem necessary, and any person liable to serve as constable, and required by a returning officer, a deputy returning officer, or a justice, to be sworn in as a special constable, if he

Special constables may be sworn in.

refuses to be sworn in or to serve, shall incur a penalty of \$20. R.S.O. 1927, c. 233, s. 90.

### *Ballot Boxes.*

Ballot boxes  
to be  
furnished.

**94.**—(1) Where a poll is required, the clerk shall procure as many ballot boxes as there are polling subdivisions.

How made.

(2) The ballot boxes shall be made of durable material, provided with lock and key, and so constructed that the ballot papers can be deposited therein and cannot be withdrawn without unlocking the box.

Delivery of  
to deputy  
returning  
officers.

(3) Two days at least before polling day the clerk shall deliver a ballot box to every deputy returning officer.

Clerk to  
preserve  
boxes for  
future  
elections.

(4) The ballot boxes, when returned to the clerk after the election, shall be preserved by him for use at future elections, and he shall have ready for use, at all times, as many ballot boxes as there are polling subdivisions.

Penalty for  
failure to  
furnish  
boxes.

(5) If the clerk fails to provide the ballot boxes, he shall incur a penalty of \$100 in respect of every ballot box which he fails to provide.

Deputy  
returning  
officers to  
procure  
boxes when  
not supplied.

(6) A deputy returning officer who has not been provided with a ballot box within the time prescribed, shall forthwith procure one to be made, and he may make a requisition upon the treasurer for payment of the cost of it, and the treasurer shall pay the same to the deputy returning officer. R.S.O. 1927, c. 233, s. 91.

### *Ballot Papers.*

Ballot  
papers to  
be printed.

**95.** Where a poll is required, the clerk shall forthwith cause to be printed a sufficient number of ballot papers for the purposes of the election. R.S.O. 1927, c. 233, s. 92.

Ballot  
papers  
where  
election is  
by wards.

**96.**—(1) In cities and towns in which the aldermen or councillors are elected by wards, there shall be prepared one set of ballot papers for all the polling subdivisions containing the names of the candidates for mayor, another set for all the polling subdivisions containing the names of the candidates for reeve, or reeve and deputy reeves, and another set for each ward containing the names of the candidates for aldermen or councillors for the ward.

(2) In cities and towns where the aldermen or councillors are elected by general vote, there shall be prepared for all the polling subdivisions one set of ballot papers containing the names of the candidates for mayor or mayor and reeve or mayor, reeve and deputy reeves, and another set containing the names of the candidates for aldermen or councillors.

Ballot  
papers  
where  
aldermen or  
councillors  
elected by  
general  
vote.

(3) In villages and townships there shall be prepared one set of ballot papers containing the names of the candidates for reeve or reeve and deputy reeves and for councillors.

Ballot  
papers for  
townships  
and  
villages.

(4) There shall also be separate sets of ballot papers for controllers and public utility commissioners. R.S.O. 1927, c. 233, s. 93.

Ballot papers  
for con-  
trollers, etc.

(5) In a town the council may by by-law provide that the ballot papers for mayor, reeve and deputy reeve shall be prepared in separate sets, and in a village or township the council may by by-law provide that the ballot papers for reeve, deputy reeve and councillors shall be prepared in separate sets.

Ballots  
in towns,  
villages and  
townships.

(6) A by-law for the purposes mentioned in subsection 5 shall be passed not later in the year than the 1st day of November and shall remain in force until repealed, and while in force the ballot papers (Form 3, 5 or 6) shall be varied accordingly. 1933, c. 37, s. 5.

When  
by-laws to  
be passed.

**97.**—(1) The ballot papers shall be according to Form 3, 5 or 6, and shall contain the names of the candidates arranged alphabetically in the order of their surnames, or if there are two or more candidates for the same office with the same surname, in the order of their Christian names. R.S.O. 1927, c. 233, s. 94.

Form of  
ballot  
papers.

(2) In cities having a population of not less than 200,000, the ballot papers shall be according to Form 4, and shall contain the names of the candidates arranged as set forth in subsection 1. 1931, c. 50, s. 11.

Form of  
ballot  
papers  
in certain  
cities.

### *Polling Places.*

**98.** Before opening the poll, the clerk shall deliver to every deputy returning officer the ballot papers for use in the polling subdivision for which he has been appointed, and shall furnish him with the materials necessary to enable voters to mark their ballot papers, and such materials shall be kept at the polling place by the deputy returning officer for the use of voters. R.S.O. 1927, c. 233, s. 95.

Clerk to  
furnish  
deputy  
returning  
officers with  
ballot  
papers, etc.

Compartment for marking ballots.

**99.** Every polling place shall be furnished with a compartment in which the voters can mark their ballot papers screened from observation, and if it is not provided by the corporation the deputy returning officer shall furnish it, and the cost of it shall be repaid to him as provided by subsection 6 of section 94. R.S.O. 1927, c. 233, s. 96.

*Directions to Voters.*

Directions to voters to be printed.

**100.** The clerk shall cause to be printed in conspicuous type a sufficient number of the directions for the guidance of voters (Form 7), for the purposes of election, and shall deliver to every deputy returning officer as many of the printed directions, but not less than five, as the clerk may deem sufficient. R.S.O. 1927, c. 233, s. 97.

Deputy returning officers to placard the directions.

**101.** Every deputy returning officer, before opening the poll, or immediately after he has received the printed directions from the clerk, if the same were not received before opening the pole, shall cause them to be placarded outside the polling place, and in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. R.S.O. 1927, c. 233, s. 98.

*Voters' Lists, Poll Books.*

Proper voters' list to be used at an election.

Rev. Stat. c. 7.

**102.** The proper list of voters to be used at an election shall be the first and second parts of the last voters' list certified by the judge and delivered or transmitted to the clerk of the peace under *The Voters' Lists Act*, with the supplementary list, if any, under section 104 or the list provided for by section 105. R.S.O. 1927, c. 233, s. 99.

For first election in new municipality.

**103.** For the first election in a new municipality for which there is no assessment roll, the clerk instead of a voters' list, shall provide every deputy returning officer with a poll book (Form 8), and the deputy returning officer or the poll clerk shall enter in it in the proper column, the name of every person who tenders his vote, and, at the request of any candidate or voter, shall note opposite the name of such person, the property in respect of which he claims to be entitled to vote. R.S.O. 1927, c. 233, s. 100.

Voters' lists on formation of new corporation, etc.

**104.**—(1) Where a district as defined by section 10 has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory into a town, or a new town or village is erected, and



an election takes place before a voters' list including the names of the persons entitled to vote in such district, territory or for the new town or village is certified by the judge, the clerk of the municipality to which the same was added, and in the case of a new town or village, the returning officer shall prepare from the last certified voters' list of the municipality from which such district, territory, town or village was or became detached, a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in such district or territory if it had not been so detached.

(2) The supplementary list shall be signed by the clerk and attested by his declaration, and he shall deliver to every deputy returning officer a copy of so much of such list as relates to his polling subdivision. R.S.O. 1927, c. 233, s. 101.

Clerk's  
duties as to  
supplemen-  
tary lists.

**105.** In a municipality for which there is an assessment roll, but for which there is no voters' list certified by the judge, the clerk shall, before the poll is opened, prepare and deliver to the deputy returning officer for every polling subdivision, a list signed by him and attested by his declaration, containing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be entitled to vote in that polling subdivision. R.S.O. 1927, c. 233, s. 102.

Voters' list,  
when clerk  
to prepare.

#### *List of Defaulters in Payment of Taxes.*

**106.**—(1) In municipalities, the councils of which have passed by-laws under paragraph 8 of section 405, the treasurer of each local municipality, if the collector's roll has been returned to him or the collector, if the roll has not been so returned, shall, on or before the day fixed for nomination at the annual election, prepare and verify by his declaration and shall deliver to the clerk an alphabetical list of all persons entered on the first and second parts of the voters' list whose taxes in respect of land are overdue and unpaid. R.S.O. 1927, c. 233, s. 103 (1); 1936, c. 40, s. 4; *redrafted*.

Preparation  
of list of  
defaulters.

(2) Where a municipality is divided into polling subdivisions, such a defaulters' list shall be made for each polling subdivision.

List to be  
made for  
each polling  
subdivision.

(3) The person who prepares the defaulters' list shall furnish to all persons applying for the same, certified copies of it and of the declaration, in the same manner as and for the same compensation for which copies of the voters' list are to be furnished. R.S.O. 1927, c. 233, s. 103 (2, 3).

Certified  
copies to be  
furnished.



(NOTE.—See section 60 as to effect of default and payment of taxes before voting.)

Delivery of copies of voters' list, poll book and defaulters' list to deputy returning officer.

**107.**—(1) The clerk, before the poll is opened, shall at a time and place appointed by him deliver to the deputy returning officer for every polling subdivision a list, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the polling subdivision, together with a blank poll book (Form 8), and also a copy of the proper defaulters' list prepared under section 106 for the polling subdivision.

Copies may be prepared by clerk of municipality or procured from clerk of peace.

(2) The list of voters may be prepared by the clerk or may be procured from the clerk of the peace, and in the latter case the clerk of the peace shall be entitled to six cents for every ten voters whose names are on the list. R.S.O. 1927, c. 233, s. 104.

#### *Certificates as to the Assessment Roll.*

Clerk to give certificate of dates of final revision of assessment roll, etc.

**108.**—(1) The clerk, before the poll is opened, shall deliver to every deputy returning officer a certificate (Form 9), of,

- (a) the date of the final revision of the assessment roll; and
- (b) the last day for making complaints to the judge with respect to the voters' list to be used at the election.

Fee for certificate.

(2) The clerk shall also give to any person applying for it a like certificate upon payment of twenty-five cents.

Penalty for neglect.

(3) For every contravention of subsection 2, the clerk shall incur a penalty of \$200. R.S.O. 1927, c. 233, s. 105.

#### *In Municipalities without Polling Subdivisions.*

In municipalities not divided into polling subdivisions, clerk to perform duties of deputy returning officers.

**109.** In municipalities not divided into polling subdivisions, the clerk shall perform the duties which, in other cases, are performed by deputy returning officers, and shall provide himself with the necessary ballot papers, the materials for marking ballot papers, the printed directions for the guidance of voters, copies of the voters' list, poll book and defaulters' list, and a certificate of the date of the final revision of the assessment roll, and the last day for making complaints to the judge with respect to the voters' list, and he shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer for a polling subdivision. R.S.O. 1927, c. 233, s. 106.

*Where and How Often Electors May Vote.*

**110.**—(1) An elector shall be entitled to vote,—

Number of  
votes which  
may be  
given by  
each elector.

- (a) once only for mayor, controller, reeve, first deputy reeve, second deputy reeve, third deputy reeve;
- (b) where the election is by general vote, once only for as many candidates for any office as there are offices to be filled, and once only for each of them.

(2) Where the election is by general vote and an elector is qualified to vote in more than one ward or polling subdivision he shall vote only in that in which he resides if qualified to vote there, or if not qualified to vote there or if he is not a resident of the municipality, he may elect at which such wards or polling subdivisions he will vote and shall vote there only.

Where  
election by  
general vote.

(3) Where the aldermen or councillors are elected by wards an elector if qualified to vote therein may vote in each ward for as many candidates as there are offices to be filled and once only for each of them. R.S.O. 1927, c. 233, s. 107.

Where  
alderman,  
etc., elected  
by wards.

**111.**—(1) The clerk, at the request of an elector, who has been appointed deputy returning officer, poll clerk, special constable, or agent of a candidate, for any polling place other than the one at which he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during polling day, and the certificate shall state the property or other qualification in respect of which he is entitled to vote. R.S.O. 1927, c. 233, s. 108 (1); 1931, c. 50, s. 12.

Certificate  
to entitle  
deputy  
returning  
officers, poll  
clerks, and  
agents to  
vote where  
stationed.

(2) On the production of the certificate such elector shall have the right to vote at the polling place at which he is stationed instead of at the polling place at which he would otherwise be entitled to vote, and the deputy returning officer shall attach the certificate to the voters' list.

Right to  
vote on pro-  
duction of  
certificate.

(3) The certificate shall not entitle the elector to vote at such polling place unless he has been actually engaged as deputy returning officer, poll clerk, or agent during polling day, or to vote for aldermen in cities, or for councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled to vote.

Certificate  
only to  
entitle  
officials who  
act.

(4) If a deputy returning officer votes at the polling place for which he has been appointed, the poll clerk, or in his absence any elector entitled to be present, may administer to the deputy returning officer the oath required by law to be taken by voters. R.S.O. 1927, c. 233, s. 108 (2-4).

Who to  
administer  
oath.

*The Poll.*

Time for  
opening and  
closing poll.

**112.**—(1) Subject to the provisions of subsection 2 the poll shall be opened at every polling place at nine o'clock in the forenoon and shall be kept open until five o'clock in the afternoon of the same day. R.S.O. 1927, c. 233, s. 109 (1).

Idem.

(2) The council of a municipality may by by-law passed at least sixty days before the day of nomination change the time for opening and closing the poll so that it will remain open for not less than eight consecutive hours between eight o'clock in the forenoon and nine o'clock in the afternoon and any such by-law shall remain in force from year to year until repealed. R.S.O. 1927, c. 233, s. 109 (2); 1929, c. 58, s. 2; 1936, c. 39, s. 7.

Case of  
by-election.

(3) In the case of a by-election to fill a vacancy in the office of a member of a council a by-law for the purposes set out in subsection 2 may be passed at least six days before the day of nomination at such by-election. 1929, c. 57, s. 1.

Vote by  
ballot.

(4) The votes shall be given by ballot. R.S.O. 1927, c. 233, s. 109 (3).

Interpreta-  
tion.

**113.**—(1) In this section,—

"Election,"  
"municipal  
elections."

(a) "Election" and "municipal elections" shall apply to and include an election or by-election for a council, board of education, school board, public utility commission or other board, commission or body the members of which are required to be elected by the electors of the municipality and shall also apply to and include voting on any by-law and question submitted to the electors under the authority of this or any other general or special Act;

"Railway  
employees."

(b) "Railway employees," in addition to their ordinary meaning, shall include railway mail clerks employed by the Post Office Department of Canada and railway express clerks employed by an express company; 1934, c. 34, s. 3, *part*.

"Com-  
mercial  
travellers."

(c) "Commercial travellers" shall mean members of The Ontario Commercial Travellers Association, The Dominion Commercial Travellers Association, The North-west Commercial Travellers Association, The Maritime Commercial Travellers Association, The Toronto Commercial Travellers Association, Commercial Travellers Association of Canada, or any of them. 1934, c. 34, s. 3, *part*; 1937, c. 47, s. 7.

(2) This section shall apply to any municipality the council of which passes a by-law declaring that it shall apply and any such by-law shall be in force from year to year until repealed.

Application of section.

(3) If a petition signed by at least twenty-five electors who are commercial travellers or railway employees, is presented to the council at least two weeks prior to the date of the nomination meeting asking that a by-law be passed declaring that this section shall apply, it shall be the duty of the council to pass a by-law in accordance with the petition.

Petition for passing by-law.

(4) This section shall apply only to railway employees and commercial travellers whose employment is such as to necessitate their absence from time to time from the municipality who are entitled to vote at municipal elections and who have reason to believe that they will be absent from the municipality on the day fixed for holding the poll at the election which is to be held.

To whom section to apply.

(5) For the purpose of enabling every railway employee and commercial traveller mentioned in subsection 4 to vote at the election which is to be held, a poll shall be held and be open from nine o'clock in the forenoon until five o'clock in the afternoon for such number of days not exceeding three, exclusive of Sunday, immediately preceding the day for holding the poll at the election, at the city, town, village or township hall, or at some other convenient place chosen by the clerk, and notice of the time and place of holding such poll shall be given by the clerk by publication in a newspaper for such time as may be thought proper by the council. 1934, c. 34, s. 3 *part*.

Holding of poll.

(6) The council of a municipality to which this section applies may by by-law passed at least sixty days before the day of nomination change the time for opening and closing the poll so that it will remain open for not less than eight consecutive hours between nine o'clock in the forenoon and nine o'clock in the afternoon, and such by-law shall remain in force from year to year until repealed. 1936, c. 39, s. 8.

Change of polling hours.

(7) Except as otherwise provided all the provisions of this Act as to proceedings prior to the holding of the poll and at the poll, and after the closing of the poll, shall apply.

Application of Act.

(8) In a municipality where the election is to be held by wards there shall be a separate poll book for each ward.

Poll book for each ward.

(9) In a municipality where the election is by general vote the clerk or some other person appointed by him shall act as deputy returning officer, and in a municipality where the election is by wards the clerk may act as deputy returning officer for one or more wards or may appoint one or more

Deputy returning officer.



persons to act as deputy returning officers for one or more wards, and may also appoint as many poll clerks as there are deputy returning officers.

Declaration  
of railway  
employee.

(10) Every railway employee offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

I.....declare that I am at present employed by.....railway company, or by the Post Office Department, or by the.....express company (*as the case may be*), and that I expect in the course of my employment to be absent from this municipality on the day for holding the poll at the municipal elections to be held on the.....day of....., 19 .

Dated at.....,

this.....day of....., 19 .

.....  
*Name of Voter*

WITNESS:

*Deputy Returning Officer.*

Declaration  
of com-  
mercial  
traveller.

(11) Every commercial traveller offering himself as a voter at the polling place, before being allowed to vote shall produce his certificate of membership in a commercial travellers association to the deputy returning officer, and, if required, make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

I.....declare that I am a member of the.....Commercial Travellers Association; that the number of my certificate of membership for the current year is.....; and that I expect in the course of my business to be absent from this municipality on the day for holding the poll at the municipal elections to be held on the.....day of....., 19 .

Dated at.....,

this.....day of....., 19 .

.....  
*Name of Voter*

WITNESS:

*Deputy Returning Officer.*

Penalty for  
false state-  
ment.

(12) Any person signing any declaration set out in this section knowing the statements therein are false shall incur a penalty of not less than \$25 and not more than \$100.

Record in  
poll book.

(13) The poll clerk shall enter in the poll book in the column headed "Remarks" under the name of every elector who votes under this section, a note that he has signed the declaration above set out which is applicable to such elector.



(14) No person shall be entitled to vote unless his name appears on the last revised voters' list for the municipality. Qualification of voter.

(15) The deputy returning officer and every candidate or his agent may require that the voter, before being handed a ballot, take the oath to be administered to a voter under this Act. Oath.

(16) At the close of the poll each day the deputy returning officer and any candidate or agent present who desires to do so, shall affix his seal to the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seals. Fixing of seals.

(17) On the day fixed for holding the poll at the election the deputy returning officer at the polling place and in the presence of such candidates and their agents as may be present, shall at the hour fixed for the closing of the poll, open the ballot box, count the votes and perform all the other duties required of a deputy returning officer by this Act with respect to the votes polled under the provisions of this section. 1934, c. 34, s. 3, *part.* Opening ballot box and counting ballots.

**114.**—(1) Wherever in any municipality there is situate a home, hospital or other institution for the reception, treatment or vocational training of disabled nursing sisters, officers and men who were on active service with the naval or military forces of Great Britain or her allies, the council may by by-law declare any such home, hospital or institution to be a polling place for the purpose of elections and a poll shall be held in each such place and all patients therein who are electors of the municipality shall be entitled to vote at such poll. Special poll for soldiers' hospitals.

(2) When any such patient is bed-ridden or unable to walk it shall be lawful for the deputy returning officer and poll clerk to attend upon such patient for the purpose of receiving his ballot. Ballot in certain cases.

(3) Subsections 7, 8, 9, 14 and 15 of section 113 shall apply and the clerk of the municipality may cause all things to be made, done and provided for the purpose of holding the said poll and ensuring the proper conduct of the election thereat in compliance as nearly as may be with the provisions of this Act respecting elections. 1936, c. 39, s. 9. Application of s. 113.

**115.** The deputy returning officer shall, immediately before opening the poll, show the ballot box to such persons as are present in the polling place, so that they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal, and he shall keep the box on a desk, counter or table or Deputy returning officer to show box empty to persons present and then lock and seal it.

otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed. R. S. O. 1927, c. 233, s. 110.

Proceedings  
by deputy  
returning  
officer on  
tender of  
vote.  
Name.

**116.**—(1) Where a person tenders his vote, the deputy returning officer shall proceed as follows:

- (a) Except where there is no voters' list he shall ascertain that the name of such person or a name apparently intended for it is entered on the voters' list for the polling subdivision and is not entered upon the defaulters' list.
- Recording. (b) He shall record, or cause to be recorded by the poll clerk, in the proper columns of the poll book the name, qualification, residence and occupation of such person.
- Objection. (c) Where the vote is objected to by any candidate or his agent, the deputy returning officer shall enter or cause to be entered the objection in the poll book, by writing opposite the name of such person in the proper column the words "*Objected to*," and the name of the candidate by or on behalf of whom the objection was made.
- Oath. (d) If such person takes the prescribed oath, the deputy returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the poll book the word "*Sworn*," or "*Affirmed*," according to the fact.
- Refusal to take the oath. (e) Where such person has been required to take the oath and refuses to do so, the deputy returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the poll book, the words, "*Refused to be Sworn*," or "*Refused to Affirm*," according to the fact.
- Deputy returning officer to initial ballot paper and mark voters' list. (f) After the proper entries have been made in the poll book the deputy returning officer shall place or cause to be placed a check or mark opposite the name of the voter in the voters' list to indicate that he has voted, and shall then put his initials on the back of the ballot paper.
- Delivery of to voter. (g) The ballot paper shall then be delivered to such person.
- Deputy returning officer to explain mode of voting. (h) The deputy returning officer may, and upon request shall, either personally or through the poll clerk explain to the voter, as concisely as possible, the mode of voting.

(2) The vote of a person who has refused to take the oath shall not be received, and if the deputy returning officer receives such vote, or causes it to be received, he shall incur a penalty of \$200. R.S.O. 1927, c. 233, s. 111. Penalty.

**117.**—(1) The only oath to be required of a person claiming to vote shall be according to Form 11. Oath, etc., of person claiming to vote.

(2) The voter shall be entitled to select any one of the forms of oath, whatever may be the description either in the voters' list or assessment roll of the qualification or character in which he is entered upon it. Voter may select any form of oath.

(3) The oath may be administered by the returning officer or deputy returning officer if he thinks fit, and shall be administered at the request of any candidate or his agent, and no inquiry shall be made of a voter, except with respect to the matters required to be stated in the oath or to ascertain if he is the person intended to be designated on the voters' list, or the assessment roll, as the case may be. R.S.O. 1927, c. 233, s. 112. When and how oaths are to be administered.

**118.** The deputy returning officer or the poll clerk shall place his initials in the appropriate column of the poll book opposite the name of every person who has voted for a candidate for the office named in that column. R.S.O. 1927, c. 233, s. 113. Deputy returning officer to initial names of persons voting.

**119.**—(1) Upon receiving the ballot paper the person receiving it shall,— Marking ballot paper.

- (a) forthwith proceed into the compartment provided for the purpose, and shall then and there mark his ballot paper by placing a cross, on the right hand side, opposite the name of a candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate;
- (b) then fold the ballot paper so as to conceal the names of the candidates, and the marks upon the face of it, and to expose the initials of the deputy returning officer;
- (c) then leave the compartment without delay, and without showing the face of the ballot paper to anyone, or so displaying it as to make known how he has marked it; and
- (d) then deliver the ballot paper so folded to the deputy returning officer.

Duties of  
D. R. O. on  
receipt of  
ballot.

(2) The deputy returning officer, without unfolding the ballot paper, or in any way disclosing the names of the candidates, or the marks made by the voter, shall verify his own initials, and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then present in the polling place, and the voter shall forthwith leave the polling place. R.S.O. 1927, c. 233, s. 114.

Exclusion  
from ballot-  
ing compart-  
ment.

**120.** While a voter is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in a position from which he can see how the voter marks his ballot paper. R.S.O. 1927, c. 233, s. 115.

Voter not  
to take his  
ballot paper  
from polling  
place.

**121.** A person who has received a ballot paper shall not take, and the deputy returning officer may prevent him from taking it out of the polling place and if he leaves the polling place without delivering it to the deputy returning officer in the prescribed manner or returns the ballot paper declining to vote he shall thereby forfeit his right to vote and the deputy returning officer shall make an entry in the poll book, in the column for "*Remarks*," to the effect that such person received a ballot paper, but took it out of the polling place, or returned it, declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "Declined" upon the ballot paper and shall preserve it. R.S.O. 1927, c. 233, s. 116.

Proceedings  
in case of  
incapacity  
to mark  
ballot  
paper.

**122.—**(1) The deputy returning officer on the application of a voter who is incapacitated by physical cause other than blindness from marking his ballot paper, or who makes a declaration (Form 12), that he is unable to read, or where the voting is on a Saturday that he is of Jewish persuasion and objects on religious grounds to mark his ballot paper in the manner prescribed by section 119, shall,—

- (a) in the presence of the poll clerk and the agents of the candidates, cause the vote of such person to be marked on the ballot paper in the manner directed by him, and shall place the ballot paper in the ballot box;
- (b) make an entry opposite the name of the voter in the proper column of the poll book, that his vote was marked in pursuance of this section, and of the reason why it was so marked. R.S.O. 1927, c. 233, s. 117 (1); 1934, c. 34, s. 4 (1).

Oral de-  
claration.

(2) Where the voter objects on religious grounds to mark his ballot paper, the declaration may be made orally. R.S.O. 1927, c. 233, s. 117 (2).



(3) The deputy returning officer on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall require the voter making such application to make a declaration (Form 12), of his incapacity to vote without assistance, and shall thereafter assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the sworn agents of the candidates, or of the sworn electors representing the candidates in the polling place and of no other person, and place such ballot in the ballot box.

Voter incapacitated by blindness, etc.

(4) The deputy returning officer shall either deal with a blind voter in the same manner as with an illiterate or otherwise incapacitated voter, or at the request of any blind voter who has made the declaration (Form 12), and is accompanied by a friend, shall permit such friend to accompany the blind voter into the voting compartment and mark the voter's ballot for him.

Blind voter's ballot marked by friend.

(5) Any friend who is permitted to mark the ballot of a blind voter as aforesaid, shall first be required to make a declaration (Form 13), that he will keep secret the name of the candidate for whom the ballot of such blind voter is marked by him, and no person shall at any polling place be allowed to act as the friend of more than one blind voter.

Oath of friend.

(6) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name, the reason why such ballot paper was marked by him, or by a friend of the voter. 1934, c. 34, s. 4 (2).

Reasons to be noted.

**123.** A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used, upon returning it to the deputy returning officer shall be entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word "*Cancelled*" upon the first mentioned ballot paper, and preserve it. R.S.O. 1927, c. 233, s. 118.

Proceedings in case ballot paper cannot be used.

**124.** A person who applies for a ballot paper shall be deemed to have tendered his vote, and a person whose ballot paper has been deposited in the ballot box, or who has delivered it to the deputy returning officer or poll clerk, for the purpose of having it deposited in the ballot box, shall be deemed to have voted. R.S.O. 1927, c. 233, s. 119.

What shall be deemed a tender of a vote and a voting.

**125.** The deputy returning officer, the poll clerk, the constable or constables, the candidates and their agents, and no others, shall be permitted to remain in the polling place during

Who may be in polling place.

the time the poll is open or at the counting of the votes.  
R.S.O. 1927, c. 233, s. 120.

Number of  
agents.

**126.** In cities in which the aldermen are elected by general vote a candidate shall be entitled to one agent only, and except in such cities a candidate in any municipality shall be entitled to two agents. R.S.O. 1927, c. 233, s. 121.

Use or  
delivery of  
election  
cards, etc.

**127.**—(1) No person on the day of the polling shall use or deliver to any other person any card, ticket, leaflet, book, circular or writing soliciting votes for or against any candidate, or by-law, or for an affirmative or negative answer to any question, or having upon it the name of any candidate.

Penalty.

(2) Every person who contravenes the provisions of subsection 1 shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 233, s. 122.

*Proceedings after the Close of the Poll.*

Counting  
the votes.

**128.** Immediately after the close of the poll, the deputy returning officer shall first place all the cancelled and declined ballot papers in separate packets and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted, and cause a certificate, in the following form:—"I certify that the number of voters who voted at the election in this polling place is (stating the number in words) and that ———— was the last person who voted at this polling place," to be entered in the poll book on the line immediately below the name of the voter who voted last, and such certificate shall be signed by the deputy returning officer, the poll clerk, and any candidate or agent present who desires to sign it; then, in their presence and in full view he shall open the ballot box and count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper. R.S.O. 1927, c. 233, s. 123.

What votes  
to be  
rejected.

**129.** In counting the votes the deputy returning officer shall reject all ballot papers,—

- (a) which have not been supplied by him; or
- (b) by which votes have been given for more candidates than are to be elected; or,
- (c) upon which there is any writing or mark by which the voter can be identified, or which has been so torn, defaced or otherwise dealt with by the voter that he can thereby be identified;

but no word, letter or marks written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall avoid it or warrant its rejection. R.S.O. 1927, c. 233, s. 124.

**130.**—(1) The deputy returning officer shall make a note of every objection taken to a ballot paper, by a candidate or his agent, and shall decide the objection subject to review on re-count or in a proceeding questioning the validity of the election.

Objections  
to be noted,  
and decided.

(2) Each objection shall be numbered, and a corresponding number shall be placed on the back of the ballot paper and initialed by the deputy returning officer. R.S.O. 1927, c. 233, s. 125.

Numbering  
objections.

**131.**—(1) All the ballot papers except those rejected shall be counted, and an account shall be kept of the number of votes given and allowed for each candidate, and all the ballot papers shall be put into separate packets as follows,—

Procedure on  
counting  
ballot papers  
and votes  
and placing  
ballot papers  
into packets.

- (a) all the used ballot papers which have not been objected to and have been counted;
- (b) all the used ballot papers which have been objected to, but which have been counted;
- (c) all the rejected ballot papers;
- (d) all the cancelled ballot papers;
- (e) all the ballot papers used but unmarked;
- (f) all the declined ballot papers;
- (g) all the unused ballot papers. 1931, c. 50, s. 13.

(2) Every packet shall be endorsed so as to indicate its contents, and shall be sealed by the deputy returning officer, and any candidate or agent present may write his name on the packet and may affix to it his seal. R.S.O. 1927, c. 233, s. 126 (2).

Each packet  
to be  
endorsed  
and sealed.

**132.**—(1) The deputy returning officer shall make out a statement in duplicate of,—

Statement  
of result to  
be made by  
deputy  
returning  
officer.

- (a) the number of ballot papers received from the clerk;
- (b) the number of votes given for each candidate and the rejected ballot papers;
- (c) the used ballot papers which have not been objected to and have been counted;

- (d) the ballot papers which have been objected to, but which have been counted by the deputy returning officer;
- (e) the rejected ballot papers;
- (f) the cancelled ballot papers;
- (g) the ballot papers used but unmarked;
- (h) the declined ballot papers;
- (i) the unused ballot papers;
- (j) the number of voters whose ballot papers have been marked by the deputy returning officer under section 122. R.S.O. 1927, c. 233, s. 127 (1); 1931, c. 50, s. 14.

Disposal of statement.

(2) One statement shall be attached to the poll book, and the other shall be enclosed in a special packet and delivered to the clerk.

Signing of statement.

(3) The statement shall be signed by the deputy returning officer and the poll clerk and such of the candidates or their agents as are present, and desire to sign it.

Certificate of result of poll.

(4) The deputy returning officer shall deliver to such of the candidates or their agents as are present, if requested to do so, a certificate of the number of ballot papers counted for each candidate, and of the rejected ballot papers. R.S.O. 1927, c. 233, s. 127 (2-4).

Oath of poll clerk.

**133.** The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe an oath similar to that required by subsection 3 of section 135 to be taken by the deputy returning officer. R.S.O. 1927, c. 233, s. 128.

Poll book, voters' list and packets to be put in ballot box.

**134.** The poll book, the voters' list, the packets containing the ballot papers, and all other documents which served at the election, except the duplicate statement shall then be placed in the ballot box. R.S.O. 1927, c. 233, s. 129.

Delivery of ballot box to clerk.

**135.—**(1) The deputy returning officer shall then immediately lock and seal the box, and any candidate or agent present may also affix to it his seal and the deputy returning officer shall then forthwith deliver it personally to the clerk, or if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the poll clerk, or where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it, and shall on



it or on a ticket attached to it write the name of the person to whom the ballot box has been delivered, and shall take a receipt for it, and the poll clerk or person so chosen shall forthwith deliver the ballot box personally to the clerk and shall take and subscribe before him, the oath (Form 15).

(2) In cities and towns, the deputy returning officer, or in case of his inability, as mentioned in subsection 1, the poll clerk or the person chosen, shall proceed directly from the polling place to the office of the clerk with the ballot box, and there personally on the same day, as soon as possible after leaving the polling place, deliver it to the clerk, and the poll clerk or the person chosen shall take and subscribe before him the oath (Form 15), and the clerk shall remain in his office on the evening of the polling day until all the ballot boxes have been returned to him.

Return of  
ballot boxes,  
etc., in  
cities and  
towns.

(3) Forthwith thereafter the deputy returning officer shall take and subscribe the oath (Form 16), and shall personally deliver it or transmit it by registered post to the clerk. R.S.O. 1927, c. 233, s. 130.

Oath of  
D. R. O.

**136.** The clerk, upon the receipt of a ballot box, shall take every precaution for its safe keeping and for preventing any other person from having access to it, and shall immediately on the receipt of it seal it with his own seal in such a way that it cannot be opened without his seal being broken, and that any other seals affixed to it are not effaced or covered. R.S.O. 1927, c. 233, s. 131.

Duties of  
clerk as to  
ballot box.

**137.** A deputy returning officer in a city or town shall not under any circumstances take, or allow to be taken, the ballot box to his home, house, office, or place of business, or to any house or place except the office of the clerk. R.S.O. 1927, c. 233, s. 132.

D. R. O. not  
to take  
ballot box  
to his home.

**138.** Where the holding of the election has been interrupted, as mentioned in section 141, the deputy returning officer shall delay making his return to the clerk until the polling has taken place. R.S.O. 1927, c. 233, s. 133.

Return by  
D.R.O. when  
election in-  
terrupted.

**139.** The clerk, after he has received the ballot papers and statements of the number of votes given at each polling place, without opening any of the sealed packets of ballot papers, shall cast up from the statements the number of votes for each candidate, and at the town hall, or if there is no town hall, at some other public place, at noon on the second day following the day on which the polling is held, shall publicly declare to be

Clerk to  
cast up  
votes and  
declare  
what candi-  
dates  
elected.

elected the candidate or candidates having the highest number of votes, and he shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate. R.S.O. 1927, c. 233, s. 134; 1937, c. 47, s. 8.

In case of  
a tie clerk to  
have a cast-  
ing vote.

**140.** If, upon the casting up of the votes or upon a recount, two or more candidates have an equal number of votes, the clerk, or other person appointed by by-law to discharge the duties of clerk, whether otherwise qualified or not, shall, at the time he declares the result of the poll, or after receiving the certificate of the result of the recount, as the case may be, give a vote for one or more of such candidates, so as to decide the election. R.S.O. 1927, c. 233, s. 135.

*Case of Election not held at Proper Time, etc.*

Election  
not com-  
menced, or  
interrupted  
by reason of  
riot, etc., to  
be resumed.

**141.** If, by reason of a riot or other emergency, an election, or the voting at a polling place, is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer, or deputy returning officer, as the case may be, shall hold or resume the election on the following day at the hour of nine o'clock in the forenoon, and continue the same from day to day until a fair opportunity for nominating candidates has been given or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eight hours in all. R.S.O. 1927, c. 233, s. 136.

[*As to postponement of an election on account of an epidemic or contagious disease, see The Public Health Act, Rev. Stat. c. 299, s. 125.*]

*Recount.*

Application  
for recount  
or re-  
addition.

**142.**—(1) If, within fourteen days after the declaration by the clerk of the result of the election, upon the application of a candidate or voter it is made to appear by affidavit to a judge of the county or district court of the county or district in which the municipality is situate, that a deputy returning officer, in counting the votes has improperly counted or rejected any ballot paper, or made an incorrect statement of the number of ballots cast for any candidate, or has improperly added up the votes, and if within that time the applicant shall have given security for the costs in connection with the recount or final addition of the candidate declared elected of such nature and in such amount as may be fixed by the judge, or if at any time within four weeks after such declaration in a city having a

population of not less than 100,000, the council has by resolution declared that a recount or readdition is desirable in the public interest, the judge shall appoint a time and place to recount or readd the votes cast at the election.

(2) In all cases of a recount or readdition of the ballots cast for candidates elected by general vote in a city having a population of not less than 100,000, the judge may order that the recount or readdition shall be conducted separately in each ward of such city, and for that purpose may appoint for any ward as his deputy, another judge or a barrister of at least ten years' standing at the bar of Ontario to recount or readd the votes cast at the election in such ward and a time and place for such recount or readdition to be held, and every such deputy shall for all the purposes of the recount or readdition and in respect to the ward for which he is appointed, have the powers and perform the duties of the judge as hereinafter in this section set out.

Deputy judges in wards of cities of 100,000 population or over.

(3) At least two days' notice in writing of the time and place appointed shall be given to the candidates and to the clerk, and the clerk or an assistant clerk appointed for the purpose shall attend the recount or readdition with the ballot boxes and all documents relating to the election.

Notice of time and place for recount or readdition.

(4) The judge, the clerk, the assistant clerk, and each candidate and his agent appointed to attend the recount or readdition, but no other person, except with the sanction of the judge, shall be entitled to be present at the recount.

Who may attend.

(5) The recount shall be of the ballots cast respectively for the candidate declared elected when one only is to be elected or in other cases of the candidate who received the lowest number of votes of those declared elected by the clerk and for the defeated candidate who received the highest number of votes for the same office unless any other candidate in writing requires the ballots cast for him to be recounted or readded.

Which ballots to be recounted or readded.

(6) At the time and place appointed, and in the presence of such of the persons entitled to be present as may attend, the judge shall make such final addition from the statements contained in the ballot boxes returned by the deputy returning officers, or recount all the ballot papers received by the clerk from the several deputy returning officers and the number of votes counted at the election and shall for the purpose of the recount open the sealed packets containing the used ballot papers which were not objected to and were counted, the ballot papers which were objected to but which were counted, the rejected ballot papers, the cancelled ballot papers, the ballot papers which were used but were unmarked, the declined ballot papers and the unused ballot papers.

Making readdition or recount.

Proceedings  
to be con-  
tinuous.

(7) The judge shall, as far as practicable, proceed continuously, allowing only time for refreshment and excluding, except so far as he and the persons present agree, the hours between six o'clock in the afternoon and nine o'clock in the succeeding forenoon, and during the excluded time the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seal of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of them.

Procedure  
as at close  
of poll.

(8) Subject to subsection 9, the judge shall proceed according to the provisions for the counting of the ballot papers and the vote at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll.

Evidence  
may be  
taken.

(9) If for any reason it appears desirable to do so, the judge upon the application of any party to the proceeding may hear such evidence as he may deem necessary for the purpose of making a full and proper recount of the ballot papers.

Judge's  
certificate  
of result.

(10) Upon the completion of the recount the judge shall seal up all the ballot papers in their separate packets and upon the completion of a readdition he shall seal up the original statements in their respective packets, and shall forthwith certify the result of the recount or readdition to the clerk.

Clerk's  
declaration  
of result.

(11) Upon the result of the recount or readdition being certified to him, the clerk shall declare elected the candidate so certified as having the highest number of votes, and such declaration shall be deemed for all purposes to have been substituted for the prior declaration made under section 139, if it is different from such prior declaration.

Other  
remedies not  
affected.

(12) Nothing in this section shall affect any remedy which any person may have under the provisions hereinafter contained by proceedings in the nature of *quo warranto* or otherwise. 1931, c. 50, s. 15.

Costs.

**143.**—(1) The costs of the recount shall be in the discretion of the judge, who may order by whom, to whom, and in what manner the same shall be paid. R.S.O. 1927, c. 233, s. 138 (1).

Amount  
or scale of  
costs.

(2) The judge may in his discretion award costs of the recount or readdition to or against any candidate and may fix the amount of same or order that they be taxed by the clerk of the district or county court on a scale following as nearly as may be the tariff of costs of the county court. 1931, c. 50, s. 16.

Deposit,  
disposal of.

(3) Where costs are directed to be paid by the applicant, the money deposited as security for costs shall be paid out to the party entitled to such costs, so far as necessary.



(4) Payment of the costs may be enforced by execution, to be issued from any county or district court, upon filing therein the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment of them. Recovery of costs.

(5) The judge shall be entitled to receive from the municipality the expenses necessarily incurred in attending at the place designated by him to recount the votes. R.S.O. 1927, c. 233, s. 138 (3-5). Expenses of judge attending at recount.

*Secrecy of Proceedings.*

**144.**—(1) Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting. Maintaining secrecy of proceedings.

(2) No person shall interfere or attempt to interfere with a voter when marking his ballot paper, or obtain or attempt to obtain at the polling place information as to how a voter is about to vote or has voted. Interference with voters.

(3) No person shall communicate any information obtained at a polling place as to how a voter at such polling place is about to vote or has voted. R.S.O. 1927, c. 233, s. 139. Communicating information as to how voter has voted.

**145.** No person shall, directly or indirectly, induce or attempt to induce a voter to show his ballot paper after he has marked it, so as to make known to any person how he has voted. R.S.O. 1927, c. 233, s. 140. Inducing voter to display ballot after marking.

**146.** Subject to section 122, a voter shall not show his ballot paper, when marked, to any person so as to make known how he voted. R.S.O. 1927, c. 233, s. 141. Voter not to display marked ballot.

**147.** Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties, take the oath of secrecy (Form 17). R.S.O. 1927, c. 233, s. 142. Oath of secrecy.

**148.**—(1) If a returning officer, deputy returning officer or poll clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, he shall forthwith communicate the particulars to the Crown attorney. Proceedings where officers aware of violation of secrecy.

(2) The Crown attorney on receiving such information from any person, shall forthwith inquire into the matter and, if proper, prosecute the offender. R.S.O. 1927, c. 233, s. 143. Crown attorney to prosecute.

No one compellable to disclose his vote.

**149.** No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state how or for whom he has voted. R.S.O. 1927, c. 233, s. 144.

*General.*

Returning officers, etc. wilfully falsifying or altering list of voters to incur penalty.

**150.** Every returning officer, deputy returning officer, or other person whose duty it is to deliver poll books or who has the custody of a voters' list or poll book, who wilfully makes any alteration or insertion in or wilfully omits anything from or in any way wilfully falsifies such voters' list or poll book, shall incur a penalty of \$2,000, and shall also be liable to imprisonment for any term not exceeding one year. R.S.O. 1927, c. 233, s. 145.

Offences relating to ballot papers.

**151.** Every person who,—

- (a) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon; or
- (b) without due authority supplies a ballot paper to any person; or
- (c) fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein; or
- (d) fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer; or
- (e) fraudulently takes a ballot paper out of the polling place; or
- (f) without authority destroys, takes, opens, or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
- (g) applies for a ballot paper in the name of another person whether the name be that of a person living or dead, or of a fictitious person, or having voted applies at the same election for a ballot paper in his own name or votes oftener than he is entitled to; or
- (h) being a deputy returning officer, contravenes section 137, or fraudulently puts his initials on the back of

any paper purporting to be or capable of being used as a ballot paper at an election; or

- (i) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (j) being employed to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print; or
- (k) attempts to commit or aids, abets, counsels or procures the commission of any offence mentioned in this section;

if a returning officer, deputy returning officer or other officer engaged in the election, shall be liable to imprisonment for any term not exceeding two years, and, in the case of any other person, to imprisonment for any term not exceeding six months. R.S.O. 1927, c. 233, s. 146. (*See section 521, post.*)

**152.**—(1) Every person who wilfully and maliciously destroys, injures, or obliterates, or causes to be destroyed, injured, or obliterated, a warrant for holding an election, a poll book, voters' list, certificate, affidavit, or other document or paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, shall incur a penalty of \$2,000, and shall also be liable to imprisonment for any term not exceeding one year.

Persons unlawfully destroying, etc., documents relating to elections, etc.

(2) Every person who aids, abets, counsels or procures the commission of a violation of subsection 1 shall incur the like penalty and be subject to the like imprisonment.

Abettors punishable.

(3) The pecuniary penalty shall be recoverable by action at the suit of His Majesty, and the imprisonment may be directed by the court in which the action is brought. R.S.O. 1927, c. 233, s. 147.

Recovery of penalty.

**153.**—(1) Every deputy returning officer who wilfully omits to put his initials on the back of a ballot paper in use for the purposes of an election, shall incur a penalty of \$10 in respect of every such ballot paper.

Penalty for D. R. O. omitting to initial ballots.

(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 128 to 136 shall, for each refusal or neglect, incur a penalty of \$200. R.S.O. 1927, c. 233, s. 148.

D. R. O. or poll clerk neglecting duties.

**154.** Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false state-

Wilfully miscounting ballots, etc.

ment of the poll shall incur a penalty of \$200. R.S.O. 1927, c. 233, s. 149.

Penalty for  
violating  
secrecy.

**155.** Every person who acts in contravention of sections 144 to 146 shall be liable to imprisonment for any term not exceeding six months. R.S.O. 1927, c. 233, s. 150. (See *section 521, post.*)

Money  
penalty for  
offences.

**156.** Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act shall in addition to any other penalty or liability to which he may be subject, forfeit to any person who may be aggrieved thereby the sum of \$400. R. S. O. 1927, c. 233, s. 151.

#### *Miscellaneous Provisions.*

Candidate  
may under-  
take duties  
of an agent.

**157.** A candidate may undertake the duties which his agent might undertake, or he may assist his agent in the performance of such duties, and may be present at any place at which his agent is authorized to be present, but no candidate shall be present at the marking of a ballot paper under section 122. R.S.O. 1927, c. 233, s. 152.

Who may  
administer  
oaths *re*  
election.

**158.** Except where otherwise provided any oath required to be taken in connection with an election may be taken before the clerk of the municipality, a returning officer or a deputy returning officer, as well as before any other person by whom under *The Interpretation Act* an oath may be administered. R.S.O. 1927, c. 233, s. 153.

Rev. Stat.  
c. 1.

Ballot  
papers, how  
disposed of.

**159.**—(1) The clerk shall retain in his possession for six weeks all the ballot papers, and, unless otherwise directed by an order of a judge or officer having jurisdiction to inquire as to the validity of the election, shall then destroy them in the presence of two witnesses, who shall make a declaration that they witnessed the destruction of them.

Declaration.

(2) The declaration shall be made before the head of the municipality and filed in the office of the clerk. R.S.O. 1927, c. 233, s. 154.

Ballot  
papers to be  
inspected  
only by  
order of a  
judge.

**160.**—(1) No person shall be allowed to inspect any ballot paper in the custody of the clerk except under the order of a judge or an officer having jurisdiction to inquire as to the validity of the election.

Grounds  
for grant-  
ing order.

(2) The order may be made on the judge or officer being satisfied by affidavit or other evidence that the inspection is



required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or of taking proceedings for contesting the election or return.

(3) The order may be made subject to such conditions as the judge or officer may deem proper. R.S.O. 1927, c. 233, s. 155. Order may be subject to conditions.

**161.** Where an order is made for the production by the clerk of any document in his possession relating to an election, the production of it by him in such manner as may be directed by the order shall be evidence that the document relates to the election, and any indorsement appearing on any packet of ballot papers so produced shall be evidence that the contents are what they are stated to be by the indorsement. R.S.O. 1927, c. 233, s. 156. Production of documents and indorsements on ballot papers evidence for certain purposes.

**162.** Where in this part expressions are used, requiring or authorizing any act or thing to be done, or implying that any act or thing is to be done in the presence of the agents of the candidate, they shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done, and the non-attendance of an agent at such time and place, if it is otherwise duly done, shall not invalidate the act or thing done. R.S.O. 1927, c. 233, s. 157. Expressions referring to agents. Non-attendance of agents.

**163.** No election shall be or be declared to be invalid,— When election not to be declared invalid.

- (a) for non-compliance with the provisions of this Act as to the taking of the poll or anything preliminary thereto or as to the counting of the votes; or
- (b) by reason of mistake in the use of the prescribed forms; or
- (c) by reason of any mistake or irregularity in the proceedings at or in relation to the election;

if it appears to the tribunal by which the validity of the election or any proceeding in relation to it is to be determined that the election was conducted in accordance with the principles laid down in this Act, and it does not appear that such non-compliance, mistake or irregularity affected the result of the election. R.S.O. 1927, c. 233, s. 158.

**164.** The reasonable expenses incurred by a clerk or any other officer for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, and for the transmission of packets, and reasonable fees Expenses incurred by officers to be repaid to them.

and allowances for services rendered under this Part, shall be paid to the clerk by the treasurer, and shall be paid by the clerk to the persons entitled thereto. R.S.O. 1927, c. 233, s. 159.

*Vacancies in Council.*

Seat to become vacant by crime, insolvency, absence, etc.

**165.** The seat of a member of a council shall become vacant if he,—

- (a) is undergoing imprisonment under sentence for a criminal offence; or
- (b) becomes bankrupt or insolvent within the meaning of any bankruptcy or insolvency Act in force in Ontario; or
- (c) is in close custody under *The Fraudulent Debtors Arrest Act* or is discharged from close custody under section 52 of that Act; or
- (d) assigns his property for the benefit of his creditors; or
- (e) absents himself from the meetings of the council for three successive months without being authorized so to do by a resolution of the council entered upon its minutes; or
- (f) files his resignation with the clerk of the municipality as provided in subsection 2 of section 53 for the purpose of becoming a candidate for council in some other office;

Rev. Stat. c. 128.

and the council shall forthwith declare the seat to be vacant. R.S.O. 1927, c. 233, s. 160; 1936, c. 39, s. 10.

Proceedings if disqualified member fails to resign.

**166.** Except in the cases provided for by section 165, if a member of a council forfeits his seat or his right to it or becomes disqualified to hold it and does not forthwith resign his seat, proceedings may be taken under sections 172 to 191 to declare it vacant. R.S.O. 1927, c. 233, s. 161.

Registration of member with consent of council.

**167.** A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council. R.S.O. 1927, c. 233, s. 162.

Resignation of warden.

**168.**—(1) The warden of a county may resign his office either by verbal intimation to the county council when in session or by letter to the clerk when the council is not in session.

(2) Where from any cause a vacancy occurs in the office of warden when the council is not in session, the clerk shall forthwith notify the members of the vacancy, and if required in writing so to do by a majority of them, he shall call a special meeting of the council to fill the vacancy. R.S.O. 1927, c. 233, s. 163.

Vacancy in  
office of  
warden—  
how filled.

**169.**—(1) Subject to sections 170 and 171, a new election shall be forthwith held where,—

When new  
election to  
be held.

- (a) a person elected has neglected or refused to accept office or to make the prescribed declarations within the prescribed time; or
- (b) a vacancy, except in the office of controller, occurs from any cause.

(2) Where a new election is to be held, the head of the council, or if he is absent or unable to act or there is a vacancy in the office, the clerk, or if they are both absent or unable to act or both offices are vacant, one of the members of the council shall forthwith issue a warrant under his hand for the holding of the new election.

Warrant  
for new  
election.

(3) The returning officer and the deputy returning officers appointed to hold the next preceding election shall be the returning officer and the deputy returning officers to hold the new election, and the nomination shall be held and the polling shall take place at the respective places at which the nomination was held and the polling took place at such last election, unless the council appoints other persons to hold the election and other places at which the nomination shall be held and the polling take place, which the council may do.

Returning  
and deputy  
returning  
officers—  
nomination  
and polling.

(4) Where a new election becomes necessary before the first meeting of the council in the year for which it is elected, the duties which by subsection 2 are to be performed by the head, clerk or a member of the council shall be performed by the head, clerk or a member of the council of the next preceding year.

Procedure  
where new  
election  
before first  
meeting of  
council.

(5) The new election shall be held at the latest within fifteen days after the receipt of the warrant by the person to whom it is directed, and the person issuing the warrant shall appoint a time for the nomination of candidates and for the polling if a poll is required, and the election shall be conducted in like manner as an annual election.

Time for  
holding  
election.

(6) The person elected shall hold office for the residue of the term for which the person whose place he is elected to fill was elected.

Term of  
office of  
members  
elected.

Majority of council may hold meeting.

(7) Notwithstanding that a new election becomes necessary meetings of the council may be held if a majority of the full number of the council is present. R.S.O. 1927, c. 233, s. 164.

Vacancies in office of alderman in cities where election is by general vote.

**170.**—(1) Where a vacancy occurs in the office of alderman in a city where aldermen are elected by general vote, the unsuccessful candidate who received the highest number of votes at the next preceding election shall be entitled to the office upon making the prescribed declarations within the prescribed time, and if he fails to do so or disclaims the office, one of the candidates following in regular order according to the number of votes received shall, as hereinafter provided, become entitled to the office on making such declarations within the prescribed time.

Candidate having largest assessment to have priority in case of a tie.

(2) Where the number of votes cast for two or more of such candidates is equal, their order of succession shall be determined by the amounts for which they are respectively rated upon the last revised assessment roll, the candidate having the largest assessment having the priority.

Notice of vacancy.

(3) The clerk shall immediately after the vacancy occurs give notice in writing to the candidate who is first in succession that he is entitled to such vacant office if he makes the prescribed declarations within one week after the giving of the notice, and that if he fails to make the declarations within that time, he shall be deemed to have disclaimed the office.

Failure to take prescribed declarations.

(4) If a candidate fails to make the prescribed declarations within the prescribed time, or disclaims the office, the clerk shall forthwith give notice in writing to the candidate next in succession in the same terms as the notice to the first candidate, until the vacant office has been filled or the list of candidates entitled to take it is exhausted.

Service of notice on candidate.

(5) The notice may be served personally or may be sent by registered letter addressed to the candidate, and a record of the service or of the mailing and of the address shall be preserved by the clerk.

When council to elect person to fill vacancy.

(6) If all the aldermen were elected by acclamation, or if no candidate takes the vacant office under the preceding provisions of this section, the council shall forthwith elect a person to fill the vacancy for the remainder of the term of the member whose seat has become vacant. R.S.O. 1927, c. 233, s. 165.

Vacancy in office of mayor of city.

**171.**—(1) Where the office of mayor of a city becomes vacant in any year and an election to fill the vacancy has not been ordered in a judicial proceeding, the council shall elect one of their number to fill the office for the remainder of the term.



(2) Where the office of mayor, reeve or deputy reeve of a town or of reeve or deputy reeve of a village or township becomes vacant after the 1st day of November in any year or after the 1st day of October where a by-law has been passed under section 76, and an election to fill the vacancy has not been ordered in a judicial proceeding, the council may elect one of its number to fill the office for the remainder of the term. R.S.O. 1927, c. 233, s. 166 (1, 2).

In office of mayor, reeve and deputy reeve in towns and villages.

(3) Where a vacancy occurs in the office of councillor after the first day of November in any year or after the 1st day of October where a by-law has been passed under section 76 and an election has not been ordered in a judicial proceeding, it shall not be necessary that the vacancy be filled if the council so directs. R.S.O. 1927, c. 233, s. 166 (3); 1937, c. 47, s. 9.

When vacancy need not be filled.

(4) Where a vacancy occurs in the office of alderman where aldermen are not elected by general vote and an election has not been ordered in a judicial proceeding, the council, at a meeting called for that purpose, shall elect a person to fill the vacancy for the unexpired term of the member whose seat has become vacant. R.S.O. 1927, c. 233, s. 166 (4).

Vacancy in office of alderman.

(5) Where the seat of a member of council is rendered vacant by reason of the filing of the resignation mentioned in subsection 2 of section 53, the vacancy shall not be filled in the manner provided in section 169 or 170, but the seat shall remain vacant until the next ensuing annual election when it shall be filled in the manner provided by this Act or any special Act which may be applicable, except that the person then elected to fill the vacancy shall hold office only for the remainder of the term for which the person who vacated the office was elected to such office. 1936, c. 39, s. 11.

Vacancies not requiring a by-election.

#### PART IV.

#### PROCEEDINGS TO DECLARE SEAT VACANT.

##### *Procedure.*

#### **172.** In this Part,—

- (a) “Judge” unless the court is referred to by name shall include a judge of the Supreme Court and a judge of a county or district court;
- (b) “Master in chambers” shall include any officer having jurisdiction to sit and act for the master in chambers.

Interpretation.  
“Judge.”

“Master in chambers.”

R.S.O. 1927, c. 233, s. 167.

Who may try validity of election or right to deputy reeve.

**173.**—(1) The validity of the election of a member of a council or his right to hold his seat, or the right of a local municipality to a deputy reeve, may be tried and determined by a judge of the Supreme Court, by the master in chambers, or by a judge of the county or district court of the county or district in which the municipality is situate.

Relator—where right to deputy reeve contested.

(2) Where the right of a municipality to a deputy reeve is contested any municipal elector in the county or where the validity of the election is contested, any candidate at the election or an elector who gave or tendered his vote at it, or where the election was by acclamation, or the right to sit is contested on the ground that the member has become disqualified or has forfeited his seat since his election, an elector entitled to vote at the election may be the relator. R.S.O. 1927, c. 233, s. 168.

Time within which proceedings to be instituted and security and proof required.

**174.**—(1) If within six weeks after an election, or one month after the acceptance of office by a member of a council a person entitled to be a relator shows by affidavit reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected was not duly elected, or for contesting the validity of the election, or if within six weeks after the facts come to the knowledge of a person entitled to be a relator he shows by affidavit reasonable ground for supposing that a member of a council has forfeited his seat or become disqualified since his election, the judge or the master in chambers, as the case may be, shall give his fiat, authorizing the relator, upon entering into a recognizance as hereinafter provided, and the same being allowed as sufficient, to serve a notice of motion to determine the matter.

Recognizance.

(2) The recognizance shall be entered into before the judge or master in chambers granting the fiat or before a commissioner for taking affidavits, by the relator in the sum of \$200 and by two sureties, to be allowed as sufficient by the judge or master in chambers upon affidavit of justification, each in the sum of \$100, and shall be conditioned to prosecute the motion with effect and to pay to the person against whom it is made any costs which may be adjudged to him against the relator.

Allowance of recognizance.

(3) When the recognizance has been allowed as sufficient, the judge or master in chambers by whom it is allowed shall note upon it and upon the fiat allowing service of the notice of motion, the words "*Recognizance allowed*" and shall initial the same.

Proceedings—how to be entitled.

(4) Where the proceedings are taken before a judge of the Supreme Court or before the master in chambers, they shall be entitled in the Supreme Court, and where they are taken before

a judge or a county or district court, they shall be entitled in that court. R.S.O. 1927, c. 233, s. 169.

**175.** The relator in his notice of motion shall set forth his name in full, his occupation and place of residence, and the interest which he has in the election, whether as candidate or as an elector, and shall state specifically under distinct heads all the grounds of objection to the validity of the election complained of, and in favour of the validity of the election of himself or of any other person, where the relator claims that he or that such person was duly elected, or the grounds of forfeiture or disqualification, as the case may be. R.S.O. 1927, c. 233, s. 170.

Contents  
of notice  
of motion.

**176.** Before serving the notice of motion, the relator shall file all the affidavits and material upon which he intends to move, except where oral evidence is to be taken, and in that case he shall name in the notice the witnesses whom he proposes to examine. R.S.O. 1927, c. 233, s. 171.

Affidavits,  
etc., to be  
filed.

**177.** The notice of motion shall be served within two weeks from the date of the fiat, unless upon a motion to allow substituted service the judge or master in chambers otherwise orders, and not less than seven clear days before the day on which the motion is returnable, and shall be served personally, unless the person to be served avoids personal service, in which case an order may be made for substituted service. R.S.O. 1927, c. 233, s. 172.

Service of  
notice of  
of motion.

**178.** Where the relator alleges that he or some other person was duly elected, the motion shall be to try the validity of the the election complained of and of the alleged election of the relator or other person. R.S.O. 1927, c. 233, s. 173.

Where  
relator  
claims that  
he or  
another was  
elected.

**179.** Where the grounds of objection apply to two or more persons elected or sitting as members of a council, the relator may proceed by one motion against all of them. R.S.O. 1927, c. 233, s. 174.

One motion  
against  
several  
persons.

**180.** On the hearing of the motion, the relator shall not be allowed to object to the election of the person complained of or to support the election of himself or of any person alleged to have been duly elected or to attack the right of any member to sit on any ground not specified in the notice of motion; but the judge or the master in chambers may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties which may appear in evidence before him. R.S.O. 1927, c. 233, s. 175.

Hearing of  
motion.

Who to hear motions when more than one.

**181.** Where more motions than one are made to try the validity of the election, or the right to sit of the same person, all of them shall be made returnable, and unless otherwise directed by a judge of the Supreme Court, shall be heard and determined by the judge or master in chambers before whom the motion, notice of which was first served, is returnable, and one order upon all, or a separate order upon one or more of them may be made, as he may deem proper. R.S.O. 1927, c. 233, s. 176.

Requiring clerk to attend with rolls, voters' lists, etc.

**182.** The judge or master in chambers may require the clerk of any municipality to produce before him or to forward under seal to the clerk of the county or district court for the purpose of production, such assessment rolls, collector's rolls, ballot papers, books, voters' and other lists, and other records of the election and papers in his hands connected with or relating to it as the judge or master in chambers may deem proper. R.S.O. 1927, c. 233, s. 177.

Taking of evidence to be used on motion.

**183.** Where the motion is returnable before a judge of the Supreme Court, he may direct that the evidence to be used on the hearing of the motion be taken orally in the presence of counsel for or after notice to all parties interested before a special examiner or a judge of a county or district court, who shall return the evidence so taken to the proper officer of the Supreme Court. R.S.O. 1927, c. 233, s. 178.

Returning officer, etc., may be made a party.

**184.**—(1) The judge or master in chambers, at any stage of the proceedings, may,—

(a) add the returning officer or any deputy returning officer or other person as a party to the proceedings;

Person entitled to be a relator may prosecute or defend.

(b) allow any person entitled to be a relator to intervene and prosecute, or to defend, and may grant a reasonable time for that purpose.

Costs.

(2) An intervening party shall be liable for or entitled to costs like any other party to the proceedings. R.S.O. 1927, c. 233, s. 179.

Mode of trial.

**185.**—(1) The judge or master in chambers shall, in a summary manner, without formal pleadings, hear and determine the questions raised by or upon the motion, and, subject to subsection 2, may inquire into the facts on affidavit, by oral testimony, or by an issue framed by him and sent to be tried by a jury in any court named by him, or by one or more of those means.



(2) Where a question is raised as to whether the candidate or any voter has been guilty of any violation of sections 199 to 201, affidavit evidence shall not be used to prove the offence, but it shall be proved by oral evidence taken before the judge or before a special examiner or a judge of a county or district court, upon an order of reference to him for that purpose by the judge of the Supreme Court, if the motion is returnable before a judge of the Supreme Court, or before the master in chambers or the judge of the county or district court if the motion is returnable before him.

Evidence  
of corrupt  
practice to  
be taken  
orally.

(3) Where the seat is claimed for any person, if a candidate is proved to have been guilty, himself or by any person on his behalf, of bribery or of a corrupt practice with respect to a voter who voted at the election, or if a voter, who is employed on behalf of such candidate and is disqualified under subsection 1 of section 62, is proved to have voted, there shall be struck off the number of votes given for such candidate one vote for every such voter. R.S.O. 1927, c. 233, s. 180.

Striking  
off votes.

**186.**—(1) Where the election complained of is adjudged to be invalid, the order shall provide that the person found not to have been duly elected be removed from the office, and if it is determined that any other person was duly elected that he be admitted forthwith to the office.

If election  
invalid,  
order for  
removal  
from office  
of person  
unduly  
elected, etc.

(2) Where it is determined that no other person was duly elected, or that a person duly elected has become disqualified or has forfeited his seat, the order shall provide for the removal from office of such last-mentioned person and, except as provided by section 170, for the holding of a new election. R.S.O. 1927, c. 233, s. 181.

Order  
for new  
election.

**187.** Where the election of all the members of a council is adjudged to be invalid, or where it is determined that all of them have become disqualified or have forfeited their seats, the order for their removal, and for the election of new members in their places or for the admission of others adjudged to be legally elected, and for an election to fill the remaining seats in the council, shall be directed to the clerk of the municipality or where there is no clerk to the sheriff of the county or district in which the municipality is situate, who shall have all the powers for causing the election to be held which a municipal council or any member or officer of it has in order to fill a vacancy in it. R.S.O. 1927, c. 233, s. 182.

Order for  
new elec-  
tion to be  
directed to  
clerk or  
sheriff.

**188.**—(1) Where an election is adjudged to be invalid owing to the improper refusal of the returning officer or of a deputy returning officer to receive a ballot paper tendered by or

Where  
election  
invalid.

to give a ballot paper to an elector, or owing to such officer having put into the ballot box a ballot paper which was not lawfully received from an elector, the judge or master in chambers may order that the costs of the proceedings to unseat the person declared elected, or any part of them, be paid by such returning officer or deputy returning officer.

Right of  
action  
against  
officers  
preserved.

(2) Nothing in this section shall affect any right of action against the returning officer or deputy returning officer or relieve him from any penalty to which he may be liable under this Act. R.S.O. 1927, c. 233, s. 183.

Order.

**189.**—(1) After the adjudication, an order shall be drawn up, stating concisely the ground and effect of the decision.

Amendment  
of order.

(2) The order may be at any time amended by the judge or master in chambers in any matter of form, and shall have the same force and effect as a writ of mandamus formerly had in the like case. R.S.O. 1927, c. 233, s. 184.

Judgment  
to be re-  
turned to  
proper  
officer  
of court.

**190.** The judge or master in chambers forthwith after rendering his decision shall return the same with all things had before him touching the proceeding, to the proper officer of the court, there to remain of record as a judgment of the court, and the judgment may be enforced for the costs awarded by execution and in other respects in the same manner as an order of mandamus. R.S.O. 1927, c. 233, s. 185.

Appeals  
from  
master in  
chambers  
or county  
judge.

**191.**—(1) The decision of a judge of the Supreme Court shall be final, but an appeal shall lie from the decision or order of the master in chambers or of a judge of a county or district court to a judge of the Supreme Court whose decision shall be final.

Procedure  
on appeal.

(2) The practice and procedure on and in relation to the appeal shall be the same, as nearly as may be, as in the case of an appeal from a decision of the master in chambers in an action or proceeding in the Supreme Court. R.S.O. 1927, c. 233, s. 186.

Disqualifi-  
cation of  
candidate  
guilty of  
corrupt  
practice.

**192.**—(1) A candidate elected who is found to have been guilty of bribery, or of a corrupt practice, shall forfeit his seat, and shall be ineligible as a candidate at any election for two years thereafter.

Report to  
be made  
to clerk.

(2) The judge or master in chambers shall report to the clerk of the municipality in which the offence was committed the name of every candidate who has been so found guilty, and the clerk shall enter his name in a book to be kept for that purpose. R.S.O. 1927, c. 233, s. 187.

*Disclaimer.*

**193.** Any person elected may at any time after the election, and before it is complained of, deliver to the clerk of the municipality a disclaimer signed by him, to the effect following: Disclaimer before election complained of.

*"I, A.B., hereby disclaim all right to the office of  
for the \_\_\_\_\_ of  
\_\_\_\_\_, in the county (or  
district) of \_\_\_\_\_, and all defence of any right I  
may have to the same.*

*Dated \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
A.B."*

R.S.O. 1927, c. 233, s. 188.

**194.** A person whose election is complained of, unless it is complained of on the ground of bribery or corrupt practices on his part, or a person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat, may, within one week after service on him of the notice of motion, transmit by registered post, or deliver, if the proceedings are in the Supreme Court, to the Registrar of the Supreme Court of Ontario, at Osgoode Hall, Toronto, or if the proceedings are in a county or district court to the judge of that court, and to the relator or his solicitor, a disclaimer signed by him to the effect following: When defendant may disclaim.

*"I, A.B., upon whom a notice of motion, in the nature of a quo warranto, has been served for the purpose of contesting my right to the office of  
for the \_\_\_\_\_ of \_\_\_\_\_, in the county (or  
district) of \_\_\_\_\_, hereby disclaim the said  
office, and all defence of any right I may have to the  
same.*

*Dated \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
A.B."*

R.S.O. 1927, c. 233, s. 189.

**195.** A person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate it to the council. Duplicate of disclaimer to be delivered to clerk. R.S.O. 1927, c. 233, s. 190.

**196.—(1)** A disclaimer in accordance with section 193 or 194 shall operate as a resignation. Disclaimer to operate as resignation.

**(2)** A disclaimer in accordance with section 193 shall relieve the person making it from all liability for costs. Costs.

When costs  
not to be  
awarded.

(3) Costs shall not be awarded against a person disclaiming under section 194, unless he consented to his nomination or accepted the office. R.S.O. 1927, c. 233, s. 191.

### *Rules of Practice.*

Judges to  
make rules,  
etc.

**197.** The judges of the Supreme Court may make rules regulating the practice and procedure in relation to proceedings under this Part, including the costs of and incidental to them, and as to matters not provided for in it, or by rules of court, the practice and procedure of the Supreme Court shall be applicable. R.S.O. 1927, c. 233, s. 192.

Procedure  
substituted  
for *quo*  
*warranto*  
proceedings.

**198.** Proceedings for the removal from office of a person whose election is alleged to have been undue or illegal, or who is alleged not to have been duly elected, whether or not the seat is claimed by or on behalf of the relator or any other person, and proceedings to have the right of a person to sit in a council determined shall be had and taken under the provisions of this Part and not by *quo warranto* proceedings or by an action in any court. R.S.O. 1927, c. 233, s. 193.

## PART V.

### *BRIBERY AND CORRUPT PRACTICES.*

Bribery—  
who guilty  
of.

**199.**—(1) Every person who,—

Bribing  
voter or  
procuring  
bribery by  
money.

(a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote, or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or

By gift or  
offer or  
promise of  
employment.

(b) directly or indirectly, himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting or



corruptly does any such act on account of any voter having voted or refrained from voting at an election; or

- (c) directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person, in order to induce such person to procure or endeavour to procure the return of any candidate, or the vote of any voter at an election; or To induce anyone to procure return of candidate or endeavour to procure.
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any candidate, or the vote of any voter at an election; or Receiving bribe to procure return of candidate.
- (e) advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part of it shall be expended in corrupt practices at an election, or who knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or Advancing money to be spent in corrupt practices.
- (f) directly or indirectly, himself or by any other person on his behalf, on account of, and as payment for voting or for having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of, and as payment for having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment; or Applying for money or employment in consideration of voting.
- (g) before or during an election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election; or Receiving money, office, etc., for having voted.
- (h) after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election; or Receiving money corruptly after election.

Giving or promising office to candidate to stand or withdraw.

- (i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person,

Penalty.

shall be guilty of bribery, shall be disqualified from voting at any election for two years, and shall incur a penalty of \$200, and shall also be liable to imprisonment for any term not exceeding six months. (*See section 521, post.*)

Personal expenses of candidates.

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. R.S.O. 1927, c. 233, s. 194.

Conveying voters to poll.

**200.**—(1) A candidate who himself or by any other person on his behalf and every other person who,—

- (a) hires or promises to pay or pays for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or
- (b) pays the travelling or other expenses of a voter in going to or returning from a polling place;

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter other than the hirer to, or near, or from, or on the way to or from a polling place shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in a conveyance used by the candidate personally on polling day.

Furnishing transportation to voters.

(2) Every person who provides or furnishes transportation free of charge or at a diminished rate to a voter to, or near, or from, or on the way to or from a polling place, and whether passes or tickets or the like are or are not supplied, shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election.

Exception as to private vehicles.

(3) Save as provided in subsection 1 nothing in this Act contained shall render it unlawful for any person to provide his

own private vehicles for the purpose of taking voters to and from the poll free of charge.

(4) "Conveyance," for the purposes of this section, shall include a horse, team, carriage, cab, vehicle, boat or vessel. <sup>"Conveyance," meaning of.</sup> R.S.O. 1927, c. 233, s. 195.

**201.**—(1) Every person who, directly or indirectly, himself, or by any other person on his behalf, uses or threatens to use force, violence, or restraint, or inflicts or threatens to inflict injury, damage, harm or loss, or in any manner practises intimidation upon or against a voter in order to induce or compel him to vote, or refrain from voting, or on account of his having voted or refrained from voting, or who, by abduction, duress, or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter to vote or refrain from voting, shall be guilty of a corrupt practice and shall be disqualified from voting for two years and shall incur a penalty of \$200, and shall also be liable to imprisonment for any term not exceeding one year. <sup>Undue influence.</sup> <sup>Penalty.</sup>

(2) It shall be a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. <sup>Pretence, that ballot not secret.</sup> R.S.O. 1927, c. 233, s. 196.

**202.** The clerk shall furnish every deputy returning officer with at least two copies of sections 199 to 201, and the deputy returning officer shall post the same in conspicuous places at the polling place. <sup>Posting of provisions as to corrupt practices.</sup> R.S.O. 1927, c. 233, s. 197.

**203.**—(1) No person shall be excused from answering any question put to him in an action or proceeding touching or concerning an election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer will tend to criminate him, or subject him to any penalty under this Act. <sup>Witnesses not excused from answering on ground of privilege, etc.</sup>

(2) No answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate him or subject him to any penalty under this Act, shall be used in any proceeding thereunder against such person, if the judge or officer before whom he is examined gives to the witness a certificate that he claimed the right to be excused on either of such grounds, and made full and true answer, to the satisfaction of the judge. <sup>Answers of witness not to be used against him if judge gives certificate.</sup> R.S.O. 1927, c. 233, s. 198.

*When No Penalty Recoverable.*

When  
penalty for  
corrupt  
practice  
not to be  
recoverable.

**204.** No pecuniary penalty shall be recoverable for bribery or a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the offence; but this provision shall not apply if the judge before whom the person claiming the benefit of it is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence, and that he was in fact the principal offender. R.S.O. 1927, c. 233, s. 199.

## PART VI.

*MEETINGS OF MUNICIPAL COUNCILS.**First Meeting of Council.*

First meet-  
ing of  
council.

**205.**—(1) Subject to subsection 2, the first meeting of every council, except a county council, shall be held on the second Monday in January of the year for which the council is elected, at eleven o'clock in the forenoon, and the first meeting of every county council shall be held on the third Tuesday of the same month, at two o'clock in the afternoon, but the council of any county may, by by-law, provide that the first meeting shall be held at half-past seven o'clock in the afternoon of such third Tuesday. R.S.O. 1927, c. 233, s. 200 (1); 1936, c. 39, s. 12.

First  
meeting  
where by-  
law passed  
under s. 76.

(2) The council of any local municipality in which a by-law passed under the provisions of section 76 is in effect, may hold its first meeting on the first Monday in January, except where that day is a holiday, and in that case on the following Tuesday, and may fix by by-law the hour at which such meeting shall be held.

Declarations  
of office be-  
fore busi-  
ness.

(3) No business shall be proceeded with at the first meeting until after the declarations of office and qualification have been made by all the members who present themselves for that purpose.

When coun-  
cil deemed  
organized.

(4) A council shall be deemed to be organized within the meaning of this Act when the declarations of office and qualification have been made by a majority of the members, and it



may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations. R.S.O. 1927, c. 233, s. 200 (2-4).

**206.** A member of a county council shall not take his seat until he has filed with the clerk of the county council a certificate (Form 18), under the hand of the clerk of the municipality for which he was elected and the seal of the corporation. R.S.O. 1927, c. 233, s. 201.

Certificate  
of election.

**207.**—(1) In each year at the first meeting of a county council at which a majority of all the members is present, they shall organize as a council and elect one of the members to be warden.

Warden,  
election of.

(2) The clerk shall preside, or if there is no clerk, the members present shall select a member to preside, and the person so elected may vote as a member.

Clerk to  
preside.

(3) Subject to subsection 4 and to section 218, the warden shall be elected in the manner provided by resolution of the council passed prior to the election.

Conduct of  
election.

(4) In case of an equality of votes, the reeve, or in his absence the deputy reeve, or if there are more deputy reeves than one, the first deputy reeve, of the municipality which for the preceding year had the largest equalized assessment, shall have a second or casting vote. R.S.O. 1927, c. 233, s. 202.

Case of  
equality  
of votes.

### *Place of Meeting.*

**208.** The first meeting of a county council shall be held at the county hall if there is one, and if there is none, at the court house. R.S.O. 1927, c. 233, s. 203.

Place of first  
meeting  
of county  
council.

**209.** The subsequent meetings of the county council, and all meetings of every other council shall be held at such place as the council from time to time appoints. R.S.O. 1927, c. 233, s. 204.

Subsequent  
meetings.

**210.**—(1) The council of a county in which an urban municipality lies may hold its meetings, keep its public offices and transact all the business of the corporation and of its officers and servants within such municipality, and may acquire or rent and hold such real estate therein and erect such buildings thereon as may be convenient for such purpose.

Location of  
county and  
township  
offices.

(2) The council of a township shall have the like power in respect of an adjacent urban municipality or township in the same county. R.S.O. 1927, c. 233, s. 205.

Ordinary  
meetings  
to be open.

**211.**—(1) The ordinary meetings of every council shall be open, and no person shall be excluded therefrom except for improper conduct.

Exclusion  
of certain  
persons.

(2) The head or other presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at such meeting. R.S.O. 1927, c. 233, s. 206.

Quorum.

**212.**—(1) A majority of the whole number of members required to constitute a council shall be necessary to form a quorum.

Where coun-  
cil consists  
of five  
members.

(2) Where a council consists of only five members, the con-  
current votes of at least three of them shall be necessary to  
carry any resolution or other measure. R.S.O. 1927, c. 233,  
s. 207.

Head of  
council to  
preside.

**213.**—(1) The head of the council shall preside at all  
meetings, and may at any time summon a special meeting, and  
it shall be his duty to do so when requested in writing by a  
majority of the members.

Special  
meetings.

(2) In the absence of the head of the council or if his office  
is vacant, a special meeting may be summoned by the clerk  
upon a requisition signed by a majority of the members. R.S.O.  
1927, c. 233, s. 208.

Place of  
special  
meeting.

**214.** If there is no by-law or resolution fixing the place of  
meeting, a special meeting shall be held at the place where the  
then last meeting was held, and a special meeting may be either  
open or closed as in the opinion of the council expressed by  
resolution in writing the public interest requires. R.S.O. 1927,  
c. 233, s. 209.

Appointment  
of presiding  
officer in  
absence of  
head.

**215.** In the absence of the head of the council, or if his  
office is vacant, the council may, from among the members,  
appoint a presiding officer, who during such absence or vacancy  
shall have all the powers of the head of the council. R.S.O.  
1927, c. 233, s. 210.

Casual  
absence of  
presiding  
officer.

**216.** If the person who ought to preside at any meeting  
does not attend within fifteen minutes after the hour appointed,  
the members present may appoint a presiding officer from  
among themselves, and he shall have the same authority as the  
absent person would have had if present. R.S.O. 1927, c. 233,  
s. 211.

Head or  
presiding  
officer may  
vote.

**217.** The head of the council, or the presiding officer, ex-  
cept where he is disqualified to vote by reason of interest or  
otherwise, may vote with the other members on all questions,

and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1927, c. 233, s. 212. Equality of votes to negative question.

**218.**—(1) Where a division is taken upon the election of a warden or other presiding officer, upon the appointment of an officer of the corporation or upon a by-law, resolution or for any other purpose, each member present shall announce his vote openly and individually, and the clerk shall record it. Voting to be open and to be recorded.

(2) No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken shall be of no effect. R.S.O. 1927, c. 233, s. 213. No vote by ballot.

**219.** No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this shall not apply to allowances for attendance at meetings of the council or its committees. R.S.O. 1927, c. 233, s. 214. Prohibition as to member voting to appoint himself to office.

**220.** A council may adjourn its meetings from time to time. R.S.O. 1927, c. 233, s. 215. Adjournment.

**221.** The council of a county may by by-law provide that a member who in council has an additional vote by virtue of the provisions of subsection 2 of section 45 shall as a member of any committee have an additional vote therein. 1932, c. 29, s. 6. Voting of county councillors in committee.

## PART VII.

### BOARDS OF CONTROL.

**222.** In cities having a population of not less than 100,000, there shall be a board of control consisting of the mayor and four controllers to be elected by general vote. R.S.O. 1927, c. 233, s. 216. In cities of not less than 100,000.

**223.**—(1) In cities having a population of less than 100,000, but more than 45,000, the council may, with the assent of the municipal electors, pass a by-law providing that there shall be a board of control consisting of the mayor and four controllers to be elected by general vote. In cities between 45,000 and 100,000.

Repeal of  
by-law.

(2) No such by-law shall be repealed without the assent of the municipal electors, nor until at least five annual elections have been held under it, and no repealing by-law shall be passed later in the year than the 1st day of November. R.S.O. 1927, c. 233, s. 217.

Salaries  
of members.

**224.**—(1) The council of any city having a board of control may by by-law fix the salaries of the members of the board.

(2) Where the population of a city is less than 100,000, the salary shall not exceed for each member of the board the sum of \$1,500 per annum.

(3) Where the population of a city exceeds 100,000, but is less than 200,000, the salary shall not exceed for each member of the board the sum of \$2,500 per annum.

(4) Where the population of a city exceeds 200,000, the salary shall not exceed for each member of the board the sum of \$5,000 per annum. R.S.O. 1927, c. 233, s. 218.

Presiding  
officer to  
act in  
absence of  
mayor.

**225.** During the absence of the mayor or if there is a vacancy in the office, the person appointed as presiding officer of the council shall act as a member of the board. R.S.O. 1927, c. 233, s. 219.

Quorum.

**226.**—(1) Three members of a board of control shall form a quorum, and the mayor shall preside at the meetings of the board, and in his absence, the members shall appoint one of their number to preside.

Mayor to  
preside.

Filling  
vacancies.

(2) If a vacancy occurs in the office of controller, the council, at a meeting called for that purpose, shall elect a person to fill the vacancy for the unexpired term of the member whose seat has become vacant. R.S.O. 1927, c. 233, s. 220.

Duties of  
board.

**227.**—(1) It shall be the duty of the board of control,—

To prepare  
estimates.

(a) to prepare estimates of the proposed expenditure of the year and certify it to the council for its consideration;

To award  
contracts.

(b) to prepare specifications for and award all contracts and for that purpose to call for all tenders for works, material, and supplies, implements, machinery, or other goods or property required and which may lawfully be purchased for the use of the corporation, and to report its action to the council at its next meeting;

To inspect  
municipal  
works.

(c) to inspect and report to the council monthly or oftener upon all municipal works being carried on or in progress;



(*d*) to nominate to the council all heads of departments and sub-departments in case of a vacancy and, after a favourable report by the head of the department, any other officer of the corporation required to be appointed by by-law or resolution of the council, and any other permanent officers, clerks or assistants, and to recommend the salaries of all officers and clerks;

To nominate officers of corporation.

(*e*) to dismiss or suspend any head of a department and forthwith to report such dismissal or suspension to the council.

To dismiss or suspend.

(2) The council shall not appropriate or expend, nor shall any officer thereof expend or direct the expenditure of any sum not provided for by the estimates or by a special or supplementary estimate certified by the board to the council, without a two-thirds vote of the council authorizing such appropriation or expenditure, but this prohibition shall not extend to the payment of any debenture or other debt or liability of the corporation.

Estimates of board to bind council except on two-thirds vote.

(3) When opening tenders, the board shall require the presence of the head of the department or sub-department with which the subject matter of them is connected, and when requisite the presence of the city solicitor.

Head of department to be present when tenders are opened.

(4) The head of such department or sub-department may take part in any discussion at the board relating to the tenders.

Discussion as to tenders.

(5) The council shall not, without a two-thirds vote reverse or vary the action of the board in respect of the tenders, when the effect of such vote would be to increase the cost of the work or to award the contract to a tenderer other than the one to whom the board has awarded it.

Reversal by council of action of board.

(6) No head of a department or sub-department or other permanent officer, clerk or assistant shall be appointed or selected by the council in the absence of the nomination of the board as provided by clause *d* of subsection 1, without a two-thirds vote.

Appointment of head of department on nomination of board.

(7) Where the head of a department has been dismissed by the board, he shall not be reappointed or reinstated by the council without a two-thirds vote.

Two-thirds vote of council to reinstate head of department dismissed.

(8) In the absence of a by-law of the council prescribing the mode of appointing, engaging or employing any officers, clerks, assistants, employees, servants and workmen not included in clauses *d* and *e* of subsection 1, the board may direct by whom and in what manner they shall be appointed, engaged or employed.

Controlling appointment and duties of subordinate officers.

Submission  
of by-laws,  
etc.

(9) The board may submit proposed by-laws to the council.

Amalgama-  
tion of de-  
partments.

(10) The board, where in its opinion it is desirable may amalgamate departments or sub-departments.

Secretary  
of board.

(11) The board may appoint a secretary or clerk who shall keep minutes of its proceedings, prepare its reports and perform such other duties as may be assigned to him by the board or by the mayor or the council.

Other duties  
assigned by  
council.

(12) The council may by by-law or resolution assign to the board such other duties as the council may deem proper.

Copies of  
minutes,  
when to be  
furnished  
to council.

(13) The board, when so required by resolution of the council, and upon one week's notice thereof, shall furnish to the council copies of the minutes of its proceedings and any other information in its possession which the council may require.

Referring  
back matter  
for recon-  
sideration.

(14) The council may refer back to the board any report, nomination, question or matter for reconsideration.

Recording  
votes on  
action of  
board.

(15) Where it is sought in council to reverse, set aside or vary the action of the board, or where a two-thirds vote is required, the vote by yeas and nays shall be recorded in the minutes of the council.

School  
boards to  
send in  
estimates.

(16) The public, the high and separate school boards, the board of education, the board of commissioners of police and the public library board and every other board whose estimates are to be provided for, shall furnish to the board on or before the 1st day of March in each year their annual estimates.

Certain  
officers not  
to be nomi-  
nated by  
board.

(17) Clause *d* of subsection 1, shall not apply to a member of the fire department, except the head of it, or to an assessor, except the assessment commissioner, or to a representative of the council upon the board of a harbour trust, or of a corporation on the board of which the council is entitled to elect a representative, or to a member of the court of revision.

Powers of  
head of  
department  
before 7th  
April, 1896.

(18) Nothing in this section shall deprive the head of a department of the power which he possessed on the 7th day of April, 1896, under any by-law or otherwise, to dismiss any subordinate officer, clerk or employee.

Exclusive  
rights of  
board.

(19) Notwithstanding anything in this Act, the duties assigned to the board shall be discharged exclusively by the board, except in the case mentioned in subsection 9. R.S.O. 1927, c. 233, s. 221.

Board of  
control in  
cities of  
45,000 or  
less.

**228.**—(1) In cities having a population of 45,000 or less, the council may, with the assent of the electors, pass a by-law providing that there shall be a board of control consisting of the mayor and two controllers to be elected by general vote.

(2) No person may be elected as a controller unless he is a <sup>Qualification</sup> person who is qualified to be elected as an alderman. <sub>of members.</sub>

(3) A by-law passed under the authority of subsection 1 shall be passed not later than the 1st day of November in any <sup>By-law</sup> year and shall take effect for the year next following that in <sub>establishing</sub> which it is passed, and no such by-law shall be repealed without the assent of the electors, nor until at least six years have elapsed from the time when it first took effect, and no repealing by-law shall be passed later than the 1st day of November in any year. <sub>board.</sub>

(4) The members of the board of control established under this section shall hold office for the term of one year and until <sup>Term of</sup> their respective successors are elected. <sub>office of</sub>

(5) If any vacancy occurs in the office of a controller other <sup>Vacancies.</sup> than the mayor, the vacancy shall be filled by a new election, and the person elected to fill the vacancy shall hold office for the unexpired term of office of his predecessor; provided that where the vacancy in the office of controller occurs within three months of the time when his term of office would have expired, it shall not be necessary to fill the vacancy.

(6) The members of a board of control established under this section, other than the mayor, shall serve without salary or <sup>Travelling</sup> remuneration, but they shall be entitled to be reimbursed for <sub>expenses,</sub> any reasonable travelling or other expenses necessarily incurred and paid by them in the performance of their powers and duties. <sub>etc.</sub>

(7) During the absence of the mayor, or if there is a <sup>Absence of</sup> vacancy in the office, the person appointed as presiding officer <sub>or vacancy</sub> of the council shall act as a member of the board. <sub>in office of</sub>

(8) Two members of the board shall form a quorum and <sup>Quorum.</sup> the mayor, if present, shall preside at all meetings.

(9) It shall be the duty of a board of control established <sup>Duties of</sup> under this section,— <sub>board.</sub>

(a) to prepare the yearly estimates provided for in section 316 and to certify the same to the council for its consideration;

(b) to administer the revenues and expenditures of the corporation so as to ensure the receipt and application thereof as provided by statute and by the yearly estimates adopted by the council, and to prevent any appropriation of the revenues and the making of any expenditure otherwise than as so provided or as provided by any supplementary estimates adopted by the council;

(c) to administer such other of the affairs of the corporation as by by-law passed by a two-thirds vote of all the members of the council may from time to time be provided.

Appropriation and expenditure. (10) The council shall not appropriate or expend nor shall any officer of the corporation appropriate or expend or direct the appropriation or expenditure of any sum not provided for by the yearly estimates or by a supplementary estimate certified by the board to the council without a two-thirds vote of all the members of the council authorizing such appropriation or expenditure. 1933, c. 37, s. 6 *part*.

Payment of obligations. (11) Nothing in subsections 9 and 10 shall extend to prohibit the payment of any obligation, debt or other liability to which by law the corporation is committed. 1936, c. 39, s. 13.

By-laws. (12) Except by a vote of three-fourths of all the members of the council, no by-law for any work or undertaking which will involve the issue of debentures of the corporation to meet the cost thereof or the borrowing of moneys therefor shall finally be passed by the council until the same is certified to the council by the board; provided, however, that nothing herein contained shall prevent any such by-law being passed by the council without such certificate if the council is by law required to pass the same.

Clerks,—appointment and dismissal. (13) No head of a department or sub-department or other permanent officer, clerk or assistant shall be appointed, selected or dismissed by the council in the absence of the nomination of the board except by a two-thirds vote of all the members of the council.

Application of certain provisions of s. 227. (14) Subsections 9, 10, 11, 13, 14, 15 and 19 of section 227 shall apply to this section. 1933, c. 37, s. 6 *part*.

## PART VIII.

### OFFICERS OF MUNICIPAL CORPORATIONS.

#### *The Head.*

Who to be head of council.

**229.**—(1) The warden of a county, the mayor of a city or town and the reeve of a village or township, shall be the head of the council and the chief executive officer of the corporation. R.S.O. 1927, c. 233, s. 222.



(2) Whenever the head of the council is absent from Ontario or absent through illness or his office is vacant, the council may by resolution appoint one of its members to act for and in his place and stead, and while so acting, such member of the council shall have and may exercise all the rights, power and authority of the head of the council, except that acting in the place of the reeve, he shall not thereby become a member of the county council or be entitled to sit or vote therein. 1937, c. 47, s. 10.

Acting head  
of council.

**230.** It shall be the duty of the head of the council, to,— Duties of  
head of  
council.

- (a) be vigilant and active in causing the laws for the government of the municipality to be duly executed and obeyed;
- (b) oversee the conduct of all subordinate officers in the government of it and, as far as practicable, cause all negligence, carelessness and violation of duty to be prosecuted and punished; and
- (c) communicate from time to time to the council such information, and recommend to it such measures as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. R.S.O. 1927, c. 233, s. 223.

**231.** The head of the council of a county and of an urban municipality may be paid such annual or other remuneration as the council may determine. R.S.O. 1927, c. 233, s. 224.

Remunera-  
tion of head.

**232.** The mayor of a city or town may call out the *posse comitatus* to enforce the law within the municipality under the same circumstances in which the sheriff of a county may now by law do so. R.S.O. 1927, c. 233, s. 225.

Mayor may  
call out  
*posse*  
*comitatus*.

**233.**—(1) Where by the provisions of any general or special Act the mayor or reeve of a municipality is or becomes *ex officio* a member of any board, commission or other body created by or under the authority of such Act, the council may by by-law passed with the written consent and approval of the mayor or reeve, as the case may be, appoint some other member of the council to act as member of any such board, commission or other body in the place and stead of the mayor or reeve to the extent set forth in the by-law and consent and approval.

Substitute  
for head of  
council as  
*ex officio*  
member of  
boards, etc.

(2) A member of a council acting as a member of any board, commission or other body under the authority of a by-law passed under this section while so acting shall for all purposes be deemed to be the *ex officio* member thereof designated

Powers of  
substitute  
member.

by or under the authority of the Act creating or authorizing the creation of the board, commission or other body, in the place and stead of the mayor or reeve.

Police  
commission  
excepted.

(3) This section shall not apply to a board of commissioners of police constituted under this or any other general or special Act. 1933, c. 37, s. 7.

### *The Clerk.*

Appointment  
of clerk, and  
his duties.

**234.**—(1) Every council shall appoint a clerk, whose duty it shall be,—

- (a) to truly record in a book, without note or comment all resolutions, decisions and other proceedings of the council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep the books, records and accounts of the council;
- (d) to preserve and file all accounts acted upon by the council;
- (e) to keep in his office or in the place appointed for that purpose, the originals of all by-laws, and of all minutes of the proceedings of the council; and
- (f) to perform such other duties as may be assigned to him by the council. R.S.O. 1927, c. 233, s. 226.

Deputy  
clerk.

(2) Every council may appoint a deputy clerk to act in the absence of the clerk or in case of a vacancy in the office. 1937, c. 47, s. 11.

Minutes, etc.,  
to be open to  
inspection.

**235.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents mentioned in section 234 and the minutes and proceedings of any committee of the council, whether the acts of the committee have been adopted or not, and the assessment rolls, voters' lists, poll books, and other documents in the possession or under the control of the clerk, and the clerk shall, within a reasonable time, furnish copies of them, certified under his hand and the seal of the corporation, to any applicant on payment at the rate of ten cents for every hundred words or at such lower rate as the council may fix.

Copies to be  
furnished,  
and charges  
therefor,  
etc.

(2) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and the seal of the corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. R.S.O. 1927, c. 233, s. 227.

**236.** Where the clerk is absent or incapable through illness of performing his duties, the council may by resolution provide that some other person, to be named in the resolution or to be appointed under the hand of the clerk, shall act in his stead and the person so appointed shall have all the powers of the clerk. R.S.O. 1927, c. 233, s. 228.

**237.**—(1) The clerk of every municipality shall in each year within the time prescribed by the Department make a return to the Department on forms provided by it of such information and statistics with respect to the financial affairs, accounts and transactions of the municipality as the Department may prescribe, and every such return shall be transmitted by registered post. 1936, c. 39, s. 14.

(2) For every contravention of this section, the clerk shall incur a penalty not exceeding \$40. R.S.O. 1927, c. 233, s. 229 (2).

(3) The Department shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly. 1935, c. 43, s. 2 (3).

### *The Treasurer.*

**238.** Every council shall appoint a treasurer and may also appoint a deputy treasurer to act in the absence of the treasurer or in case of a vacancy in the office. R.S.O. 1927, c. 233, s. 230 (1); 1936, c. 39, s. 15.

**239.**—(1) In case of the death of the treasurer of a county, the warden may, by warrant under his hand, appoint for such special purpose as he may deem necessary, a treasurer *pro tempore*, who shall hold office until the next meeting of the council, and all acts authorized by the warrant which are performed by him shall be as valid and binding as if performed by a treasurer.

Security to  
be given by.

(2) The warden shall, by the warrant, direct what security shall be given by the treasurer *pro tempore* for the faithful performance of his duties, and for duly accounting for, and paying over, all money which comes into his hands, and before entering upon his duties he shall give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit of them has been made. R.S.O. 1927, c. 233, s. 231.

To receive  
and take  
care of and  
disburse  
money, etc.

**240.**—(1) The treasurer shall receive, and safely keep, all money of the corporation, and shall pay out the same to such persons and in such manner as the laws of Ontario and the by-laws or resolutions of the council direct.

When  
member of  
council may  
be paid for  
work.

(2) Except where otherwise expressly provided by this Act, a member of the council shall not receive any money from the treasurer for any work or service performed or to be performed.

His liability  
limited.

(3) The treasurer shall not be liable for money paid by him in accordance with a by-law or resolution of the council, unless another disposition of it is expressly provided for by statute. R.S.O. 1927, c. 233, s. 232.

Treasurer  
to open  
account in  
name of  
corporation.

**241.** The treasurer shall open an account in the name of the corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved of by the council, and shall deposit to the credit of such account all money received by him on account of the corporation, and he shall keep the money of the corporation entirely separate from his own money. R.S.O. 1927, c. 233, s. 233.

Half-yearly  
statement  
of assets.

**242.** Every treasurer shall prepare and submit to the council, half-yearly, a statement of the money at the credit of the corporation. R.S.O. 1927, c. 233, s. 234.

Treasurers'  
returns to  
department.

**243.**—(1) The treasurer of every municipality shall in each year within the time prescribed by the Department make a return to the Department on forms provided by it of such information and statistics with respect to the financial affairs, accounts and transactions of the municipality as the Department may prescribe, and every such return shall be transmitted by registered post. 1936, c. 39, s. 16.

Penalty.

(2) For every contravention of this section the treasurer shall incur a penalty not exceeding \$40. R.S.O. 1927, c. 233, s. 235 (2).



(3) The Department shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly. 1935, c. 43, s. 2 (4). Returns by Department.

**244.**—(1) Every treasurer, on or before the 7th day of January in each year shall transmit by registered post to the head of every municipality to whose treasurer he has made any payment during the year ended on the 31st day of the next preceding December, a statement signed by him setting forth every such payment and the date of it. Treasurer making payments to other municipalities to send statements to head.

(2) The head of the municipality shall cause every such statement received by him to be read at the next meeting of the council after the receipt of it, and to be delivered to the auditors before the audit of the accounts for the year to which the statement relates. R.S.O. 1927, c. 233, s. 236. Statements to be read to council and delivered to auditors.

**245.** Where a treasurer is removed from office, or absconds the council shall forthwith give notice to his sureties, and his successor may draw any money of the corporation which may have been deposited by the treasurer to his credit. R.S.O. 1927, c. 233, s. 237. Provision on dismissal from office.

#### *Assessors and Collectors.*

**246.**—(1) The council of every local municipality shall appoint as many assessors and shall appoint as many collectors for the municipality as may be deemed necessary. R.S.O. 1927, c. 233, s. 238 (1); 1936, c. 39, s. 17 (1). Assessors and collectors, appointment.

(2) Every by-law appointing an assessor or a collector shall remain in force until the same is repealed, and it shall not be necessary to appoint the assessor or collector annually. 1936, c. 39, s. 17 (2). Appointments need not be annual.

(3) The council may assign to an assessor or collector the district within which he is to act, and may make regulations for governing him in the performance of his duties. Regulations as to duties of.

(4) In a city, town or township the same person may be appointed assessor or collector for more than one ward or polling subdivision. R.S.O. 1927, c. 233, s. 238 (3, 4). Extent of jurisdiction.

**247.**—(1) The council of any local municipality, instead of appointing assessors, may appoint an assessment commissioner, who, in conjunction with the head of the municipality shall appoint such assessors as may be necessary, and the assessment commissioner and the assessors shall constitute a board of assessors, and shall have all the powers and perform all the duties of assessors appointed under section 246. Assessment commissioner in cities and towns.

Duties of,  
in certain  
cities and  
towns.

(2) The council of a city or town, having a population of less than 20,000 may provide that all the duties of an assessor shall be performed by the assessment commissioner, and in that case it shall not be necessary to appoint assessors. R.S.O. 1927, c. 233, s. 239 (1, 2).

Annual  
appointments  
not neces-  
sary.

(3) It shall not be necessary to appoint annually the assessment commissioner or the assessors who, with the assessment commissioner, constitute the board of assessors. 1936, c. 39, s. 18.

Notices.

(4) In a local municipality which has an assessment commissioner, all notices in matters relating to assessment which in other municipalities are required by this or any other Act to be given to the clerk shall be given to the assessment commissioner. R.S.O. 1927, c. 233, s. 239 (4).

### *Auditors and Audit.*

Auditors.

**248.**—(1) Subject to sections 249 and 250 every council shall, at its first meeting in every year, appoint two auditors.

Disqualifi-  
cation for  
office of.

(2) No person who is or during the next preceding year was a member of the council, or the clerk or treasurer of the municipality, or who has, or during the next preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor.

Case of  
county  
auditor  
refusing  
to act.

(3) If a person appointed auditor for a county refuses, or is unable to act, the head of the council shall appoint another person not in the employment of such head to be auditor in his stead. R.S.O. 1927, c. 233, s. 240.

Appointment  
of auditors  
in November  
or December.

**249.** The council of any municipality may provide that the auditors shall be appointed in November or December in each year for the next succeeding year, and thereafter while the by-law remains in force the council shall appoint the auditors in accordance with its terms, instead of at its first meeting. R.S.O. 1927, c. 233, s. 241.

Auditors  
appointed  
as permanent  
officers.

**250.**—(1) Instead of appointing two auditors annually as provided by section 248, the council may by by-law provide for the appointment of one or more auditors to hold office during pleasure, who shall daily or otherwise examine, audit and report on the accounts of the corporation.

Tenure of  
office of  
auditor.

(2) Every auditor appointed for a city shall hold office during good behaviour and shall be removable for cause by the

council upon a vote of two-thirds of the members thereof.  
R.S.O. 1927, c. 233, s. 242.

**251.**—(1) The auditors appointed under section 249 shall, Duty of auditors. at the end of every month, beginning with the first month in the year following that of their appointment, examine and report upon all accounts affecting the corporation, or relating to any matter under its control, or within its jurisdiction, and after the examination of every account, voucher, receipt and paid debenture submitted for audit, shall stamp on it, in indelible letters, the word “audited,” and initial it.

(2) The auditors appointed under section 249 shall also per- Idem. form the duties of auditors appointed under section 248 with respect to the accounts and transactions of the year in which they are appointed. R.S.O. 1927, c. 233, s. 243.

**252.** An auditor may administer an oath to any person con- Auditors may administer oaths. cerning any account or other matter to be audited. R.S.O. 1927, c. 233, s. 244.

**253.**—(1) The auditors appointed under section 248 shall Duties of auditors. examine and report upon all accounts affecting the corporation or any commission managing a public utility work or relating to any matter under its control or within its jurisdiction for the year ended on the 31st day of December preceding their appointment. R.S.O. 1927, c. 233, s. 245 (1).

(2) They shall annually prepare in duplicate an abstract of the receipts, expenditure, assets, and liabilities of the corporation or commission and a statement in duplicate of the same for the next preceding year in such form as the Department may direct, and shall report on all accounts audited by them, and make a special report of any expenditure made contrary to law, and shall transmit by registered post one copy of the abstract and one copy of the statement to the Department, and shall file the other abstract, the other statement, and their reports, in the office of the clerk not later than the 1st day of March. R.S.O. 1927, c. 233, s. 245 (2); 1936, c. 39, s. 19. To prepare abstract and statement of receipts and expenditure, etc.

(3) Where the auditors are appointed under section 249, or where they have been required to make their audit under the provisions of section 250, the abstract, statements, and reports mentioned in subsection 2, shall be, with respect to the year for which they are appointed, and shall be made and filed within one month after the expiry of that year and the auditors shall be deemed to continue in office during that period for the purpose only of preparing and filing such statements and reports.

Penalty.

(4) For every contravention of subsection 2 or 3, an auditor shall incur a penalty not exceeding \$40.

Inspection  
of abstract,  
statement,  
etc.

(5) A resident of the municipality may inspect the abstract, statements and reports at all reasonable hours, and may, by himself or his agent, at his own expense, make a copy of or extracts from them. R.S.O. 1927, c. 233, s. 245 (3-5).

Report on  
treasurer's  
sureties.

(6) The auditors of every municipality shall also make a report upon the condition and sufficiency of the securities of the treasurer, and of every other officer and servant of the municipality, and such report shall show what cash balance, if any, was due from the treasurer, and from every other officer and servant of the municipality, to the corporation at the date of the audit, and where it is deposited and what security there is that the same will be available when required; but this shall not relieve the council from the performance of the duty imposed by section 257. R.S.O. 1927, c. 233, s. 245 (6); 1937, c. 47, s. 13, *amended*.

Clerk to  
publish  
abstracts  
and state-  
ments.

(7) The clerk shall print and distribute the abstract, statements and reports in such manner and form as the council may direct, and in the case of a local municipality shall transmit a copy of the abstract and statements to the clerk of the council of the county, and the same shall be kept in his office.

Inspection  
of books of  
bank or  
company.

(8) The auditors may make a written requisition upon the treasurer for a request to any bank or company with which the money is or has been deposited, or with which the treasurer has kept an account, to exhibit the account and details thereof to them, and it shall be the duty of the treasurer, within twenty-four hours after the delivery to him of such requisition, to comply with it. R.S.O. 1927, c. 233, s. 245 (7, 8).

Audit of  
accounts  
before pay-  
ment.

**254.** The council of a city or town may provide that all accounts shall be audited before payment. R.S.O. 1927, c. 233, s. 246.

The council  
to audit  
finally, etc.

**255.** The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the corporation, and where charges are not regulated by law, the council shall allow what is reasonable. R.S.O. 1927, c. 233, s. 247.

Money pay-  
able by pro-  
vince to be  
retained if  
returns not  
made.

**256.** The Treasurer of Ontario may in his discretion retain in his hands any money payable to a corporation, if it is certified to him by the Department that any officer of the corporation whose duty it is to make returns to the Department has not done so. R.S.O. 1927, c. 233, s. 248.



**257.**—(1) Every treasurer, deputy treasurer and collector and every other officer of the corporation as the council may require, before entering on the duties of his office shall give annually such security as the council directs for the faithful performance of such duties and for duly accounting for and paying over all money which comes into his hands. 1932, c. 29, s. 8, *part*. Security to be furnished by officers.

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of *The Guarantee Companies Securities Act*. 1932, c. 29, s. 8, *part*; 1935, c. 43, s. 4 (1). Nature of security. Rev. Stat., c. 263.

(3) It shall be the duty of the council at a meeting held not later than the 15th day of February in every year with respect to those of its officers who continue in office from year to year and at the first meeting after his appointment with respect to any newly appointed officer, to require the production before it of every bond, policy or guaranteed contract required under this section. 1932, c. 29, s. 8, *part*. Inspection of surety bonds.

(4) The council shall forthwith after its production direct where and with whom any bond, policy or guarantee contract given under this section shall be deposited for safe keeping and shall make an annual return to the Department of all such bonds, policies and guarantee contracts and of the place where and person with whom they are deposited for safe keeping according to the form prescribed by the Department, and the person entrusted with the safe keeping thereof shall upon request of the auditor produce the same to him for his inspection. 1937, c. 47, s. 14. Inspection and return as to surety bonds.

(5) The premiums payable in respect of any bond, policy or guarantee contract given under this section shall be payable by the corporation out of its general funds. 1932, c. 29, s. 8, *part*. Premiums.

(6) The Department may upon examination of any return made to it for any municipality under this section report to the council in respect to matters arising out of the return, and as to the necessity for other officers, employees and servants furnishing security, and as to the sufficiency of security furnished as disclosed by the return. 1936, c. 39, s. 20 (2). Notices from Department as to surety bonds.

#### *Duties of Officers Respecting Oaths and Declarations.*

**258.**—(1) The council of every town, village and township shall hold a meeting on the 15th day of December in each year, and shall immediately thereafter publish a detailed statement Publication of state-ments of assets and liabilities.

of the receipts and expenditures of the corporation for the portion of the year ended on that day, together with a statement of assets, liabilities and uncollected taxes, and a similar statement respecting the last fifteen days of the next preceding year.

Publication  
of state-  
ments.

(2) The statements shall be signed by the head of the council and by the treasurer, and shall be published.

Posting up  
statements.

(3) Instead of publishing the statements the council may cause them to be posted up, not later than the 24th day of December, in the office of the clerk and of the treasurer, at all post offices, and at not less than twelve other conspicuous places in the municipality.

Delivery of  
copies to  
electors.

(4) The clerk shall procure to be printed not less than one hundred copies of the statements, and shall deliver or transmit by post one of them to every elector who requests him to do so, not later than the 24th day of December in each year, and shall also see that copies of the statements are produced at the nomination meeting.

Holding  
meeting and  
publishing  
statement  
when nomin-  
ation meet-  
ing is held  
on last  
Monday in  
November.

(5) The council of every town, village and township in which the nomination meeting is held on the last Monday in November, and polling on the first Monday in December as provided by section 76 shall hold a meeting on the 15th day of November in each year and shall immediately thereafter publish the detailed statement provided for by subsection 1 and a similar statement respecting the last forty-six days of the next preceding year and the time for publishing, posting up, printing and transmitting the statements as provided by subsections 3 and 4 shall be the 24th day of November.

Non-applica-  
tion to cer-  
tain muni-  
cipalities.

(6) Subsections 1 to 5 shall not apply to a township having a population of not less than 15,000 or to a township municipality in a provisional judicial district, or in the electoral district of North Renfrew, or in the Provisional County of Hali-burton.

Making un-  
true entries  
in financial  
statement.

(7) A member of a council or an officer of a corporation, or any other person, who knowingly makes or causes or procures to be made, any untrue entry in the statements, or who knowingly omits or causes to be omitted from them anything which should be included, shall incur a penalty of not less than \$5 or more than \$40. R.S.O. 1927, c. 233, s. 249.

Declaration  
of office.

**259.**—(1) Every member of a council, trustee of a police village, every public utility commissioner and commissioner of industries, and every clerk, treasurer, assessment commissioner, assessor, collector, engineer, clerk of works and street overseer or commissioner, before entering on the duties of his office, shall make and subscribe a declaration of office (Form 19).

(2) Every person elected or appointed to two or more municipal offices may make one declaration of office as to all of them. Declaration of person appointed to more than one office.

(3) Every constable, before entering upon the duties of his office, shall make and subscribe a declaration (Form 20). Declaration of constable.

(4) Every returning officer, deputy returning officer and poll clerk before entering upon the duties of his office shall take the oath of office (Form 21). Oath of office.

(5) Where by this Act any oath or declaration is required to be made by a deputy returning officer, or by a poll clerk, and no special provision is made therefor, the same, in the case of a deputy returning officer, may be made before the returning officer for the municipality or ward, or before the poll clerk, or before any person authorized to administer an oath, and, in the case of a poll clerk, before any such person, or before the deputy returning officer. Administration of oaths to deputy returning officers and poll clerks.

(6) Every auditor, before entering upon his duties, shall make and subscribe a declaration (Form 22). Auditor's declaration.

(7) Except where otherwise provided the person by whom the oath or declaration is made shall file the same in the office of the clerk within eight days after it is made. R.S.O. 1927, c. 233, s. 250. Filing of declaration.

**260.** Except where otherwise expressly provided, in addition to the persons authorized by law to administer an oath, the head of a council, a controller, an alderman, a reeve, or the clerk of a municipality may, within the municipality, administer an oath, or take any declaration under this Act or relating to the business of the corporation. R.S.O. 1927, c. 233, s. 251. Certain officers may administer certain oaths.

**261..** Every qualified person elected to any municipal office shall take the declaration of office, where he is elected to fill a vacancy, within ten days after his election, and in other cases on or before the day fixed for holding the first meeting of the body to which he was elected, and in default he shall be deemed to have resigned. 1928, c. 37, s. 5, *part*. Declaration of office.

#### *Salaries, Tenure of Office and Gratuities.*

**262.—**(1) When the remuneration of any officer of a corporation is not fixed by law, the council shall fix it. Salaries of officers.

Remuneration of clerk for certain services.  
Rev. Stat.  
c. 350.

(2) The council shall give to the clerk, for services and duties performed by him, under *The Ditches and Watercourses Act*, a fair and reasonable remuneration, to be fixed by the council.

Fees for copies of awards, etc.

(3) The council shall fix the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by him, other than such as it is his duty to perform under that Act.

Remuneration not to be settled by tender.

(4) Where an appointment to an office or an arrangement for the discharge of the duties of an office is to be made, the council shall not invite or require applicants to name a sum for which they will discharge the duties of the office, or give the appointment to, or make the arrangement with, the person who offers to perform the duties at the lowest salary or remuneration.

When municipality employing solicitor at a salary may recover costs.

(5) Notwithstanding that a corporation employs a solicitor or a counsel whose remuneration is wholly or partly paid by salary, annual or otherwise, the corporation shall have the right to recover and collect lawful costs in all actions and proceedings, in the same manner as if the solicitor or counsel was not so remunerated, if the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary. R.S.O. 1927, c. 233, s. 253.

Tenure of office.

Duties.

**263.** All officers appointed by a council shall hold office during the pleasure of the council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act, or by by-law of the council. R.S.O. 1927, c. 233, s. 254.

Gratuities.

**264.** A council may grant to any officer who has been in the service of the corporation for at least twenty years, and who, while in such service, has become incapable, through illness or old age, of efficiently discharging the duties of his office, a sum not exceeding the aggregate of his salary or other remuneration for the next preceding three years of his service, as a gratuity upon his ceasing to hold the office. R.S.O. 1927, c. 233, s. 255.

Retiring allowances.

**265.**—(1) Instead of granting a sum to any officer who has been in the service of the corporation for at least twenty years, and who, while in such service, has become incapable, through illness or old age, of efficiently discharging the duties of his office, under the provisions of section 264, a council may grant an annual retiring allowance to any such officer during the remaining years of his life not exceeding three-fifths of his



average annual salary for the next preceding three years of his service on ceasing to hold his office and such allowance may be payable weekly, semi-monthly or otherwise as the council may deem proper.

(2) For the purposes of this section "officer" shall be deemed to include a gaoler or other officer of the gaol. R.S.O. 1927, c. 233, s. 256.

*Investigation of Charges of Malfeasance, Etc., or Judicial Inquiry in relation to Municipal Matters.*

**266.**—(1) Where the council of a municipality passes a resolution requesting a judge of the county or district court of the county or district in which the municipality is situate to investigate any matter relating to a supposed malfeasance, or breach of trust, or other misconduct on the part of a member of the council, or an officer, or a servant of the corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, servant, or other person, to the corporation, or to inquire into or concerning any matter connected with the good government of the municipality, or the conduct of any part of its public business, including any business conducted by a commission appointed by the municipal council or elected by the electors, the judge shall make the inquiry, and shall for that purpose have all the powers which may be conferred upon commissioners under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken.

Investigation by county judge of charges of malfeasance.

Rev. Stat. c. 19.

(2) The judge shall be paid by the corporation the same fees as he would be entitled to if the enquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge. Rev. Stat. c. 100.

(3) The council may engage and pay counsel to represent the corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the corporation, and any person charged with malfeasance, breach of trust, or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. R.S.O. 1927, c. 233, s. 257.

Engaging counsel.

PART IX.

*GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.*

**267.**—(1) Except where otherwise provided, the jurisdiction of every council shall be confined to the municipality which it represents and its powers shall be exercised by by-law.

Jurisdiction of councils.

By-law not  
to be  
quashed  
because un-  
reasonable.

(2) A by-law passed by a council in the exercise of any of the powers conferred by and in accordance with this Act, and in good faith, shall not be open to question, or be quashed, set aside, or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. R.S.O. 1927, c. 233, s. 258.

(NOTE.—*See Interpretation Act as to power of corporation to contract.*)

General  
power to  
make regu-  
lations.

**268.** Every council may pass such by-laws and make such regulations for the health, safety, morality, and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act, as may be deemed expedient and are not contrary to law, and for governing the proceedings of the council, the conduct of its members, and the calling of meetings. R.S.O. 1927, c. 233, s. 259.

Council a  
continuing  
body.

**269.** Proceedings begun by one council may be continued and completed by a succeeding council. R.S.O. 1927, c. 233, s. 260.

Certain acts  
not to be  
done by  
councils  
after 31st  
December.

**270.** The council of a local municipality shall not, after the 31st day of December in the year for which its members were elected, pass any by-law or resolution for, or which involves, directly or indirectly, the payment of money, or enter into any contract or obligation on the part of the corporation, or appoint to or dismiss from office any officer under the control of the council, or do any other corporate act, except in case of extreme urgency, or unless the act is one which the council is required by law to do. R.S.O. 1927, c. 233, s. 261.

Power to  
license in-  
cludes power  
to prohibit.

**271.**—(1) The power to license any trade, calling, business or occupation or the person carrying on or engaged in it shall include the power to prohibit the carrying on of or the engaging in it without a license.

Who to fix  
amount of  
license fee.

(2) Except where the power of fixing the fee to be paid for the license is expressly conferred on a board of commissioners of police, the council of the municipality, where by this or any other Act, the council or the board is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in it may, subject to the limitations contained in the Act, fix the fee to be paid for the license and the time for which it shall be in force and may provide for enforcing payment of the license fee.

License fee  
may be a  
tax.

(3) The license fee may be in the nature of a tax for the privilege conferred by it.

(4) Subject to the provision of *The Theatres and Cinematographs Act*, the granting or refusing of a license to any person to carry on a particular trade, calling, business or occupation, or of revoking a license under any of the powers conferred upon a council or a board of commissioners of police by this Act, or any other Act, shall be in its discretion, and it shall not be bound to give any reason for refusing or revoking a license and its action shall not be open to question or review by any court.

Discretion as to granting or refusing a license. Rev. Stat. c. 319.

(5) Where a license is revoked the licensee shall be entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.

Refund when license revoked.

(6) Notwithstanding the provisions of subsection 4 the decision of a board of commissioners of police in refusing or revoking a license shall be subject to an appeal therefrom to a judge of the Supreme Court whose decision shall be final.

Appeal from decision of police commissioners in license matters.

(7) The practice and procedure on and in relation to an appeal made under the provisions of subsection 6 shall be the same, as nearly as may be, as in the case of an appeal from a decision of the master in chambers in an action or proceeding in the Supreme Court. 1937, c. 47, s. 16.

Practice on appeals.

**272.**—(1) Subject to section 273, and to section 6 of *The Ferries Act* and to section 8 of *The Telephone Act*, a council shall not confer on any person the exclusive right of exercising, within the municipality, any trade, calling or business, or impose a special tax on any person exercising it, or require a license to be taken for exercising it, unless authorized or required by this or any other Act so to do; but the council may require a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to the trade, calling or business.

Granting monopolies prohibited.

Rev. Stat. cc. 175, 261.

(2) This section shall not prevent the council under the powers conferred by paragraph 1 of section 439 from limiting the number of licenses and the number of tables to such number as the council may deem fit even if the number be limited to one. R.S.O. 1927, c. 233, s. 263.

Limiting number of pool and billiard tables and licenses.

**273.**—(1) The council of a city may grant to any person, upon such terms and conditions as may be deemed expedient, the exclusive right to place and maintain for any period not exceeding ten years, iron waste-paper boxes on the street corners or elsewhere in the city, under and subject to the direction of the city engineer and the approval of the council.

Exclusive right to maintain waste paper boxes on streets.

Location  
of boxes.

(2) The location of the boxes shall be subject to change from time to time at the expense of the grantee, by whom the boxes shall be kept clean and painted, and the collections therein removed, to the satisfaction of the city engineer, and as often as he may direct.

Power to  
control and  
collect fees.

(3) The council may,—

- (a) regulate and control the type of construction of such boxes and from time to time vary and change the locations thereof;
- (b) allow the painting of advertisements thereon and regulate the wording thereof and prohibit the placing of objectionable matter thereon;
- (c) fix and collect an annual fee from the owner thereof for the privilege granted;
- (d) keep such boxes clean and undertake the removal of the waste deposited therein. R.S.O. 1927, c. 233, s. 264.

Cold storage  
business.

**274.** The council of a city may establish and carry on the business of cold storage in connection with or upon the market property of the corporation. R.S.O. 1927, c. 233, s. 265.

Borrowing  
powers.

**275.**—(1) Subject to the limitations and restrictions contained in this Act, a council may borrow money for the purposes of the corporation, whether under this or any other Act, and may issue debentures therefor.

Debts for  
street  
railways.

(2) A debt contracted by the corporation of a city for the construction or maintenance of a street railway shall not be included as a part of its debt for the purpose of determining whether the limit of its borrowing power as fixed by any special Act has been reached. R.S.O. 1927, c. 233, s. 266.

#### *Authentication of By-laws.*

How by-  
laws to be  
authenti-  
cated.

**276.**—(1) Every by-law shall be under the seal of the corporation, and shall be signed by the head of the council, or by the presiding officer at the meeting at which the by-law was passed, and by the clerk.

Proof of  
seal or  
signature  
not required.

(2) Every by-law purporting to be so sealed and signed, when produced by the clerk or any officer of the corporation charged with the custody of it, shall be received in evidence in all courts without proof of the seal or signature.



(3) Where, by oversight, the seal of the corporation has not been affixed to a by-law, it may be affixed at any time afterwards, and, when so affixed, the by-law shall be as valid and effectual as if it had been originally sealed. Omission to affix seal.

(4) A copy of a by-law, purporting to be certified by the clerk, under the seal of the corporation, as a true copy, shall be received in evidence in all courts, without proof of the seal or signature. R.S.O. 1927, c. 233, s. 267. Certified copy of by-law.

*Certificate of Clerk as to Application for By-law.*

**277.**—(1) Where by this or any other Act it is provided that a by-law may be passed by a council upon the application of a prescribed number of electors or inhabitants of the municipality or locality, the by-law shall not be finally passed until the clerk, or, where there is an assessment commissioner, the assessment commissioner has certified that the application was sufficiently signed. Certificate of clerk that application for by-law duly signed.

(2) For the purposes of this section, the clerk and the assessment commissioner shall have all the powers of the clerk under section 15 of *The Local Improvement Act*. Rev. Stat. c. 269.

(3) Where the clerk or assessment commissioner has so certified, his certificate shall be conclusive that the application was sufficiently signed. R.S.O. 1927, c. 233, s. 268. Certificate to be conclusive.

PART X.

*VOTING ON BY-LAWS.*

**278.** In this Part,—

Interpretation.

- (a) "By-law" shall include a resolution and a question upon which the opinion of the electors is to be obtained;
- (b) "Electors" shall mean the persons entitled to vote on the by-law;
- (c) "Judge" shall mean judge or junior judge of the county or district court of the county or district in which the municipality, the council of which submits the by-law, is situate;
- (d) "Proposed by-law" shall mean a by-law submitted for the assent of the electors. R.S.O. 1927, c. 233, s. 269. "Proposed by-law."

Bribery  
sections, etc.  
to apply to  
voting on  
any by-law  
or question.

**279.** All the provisions of this Act, prohibiting the doing of any act or making it an offence against this Act, and prescribing penalties therefor, applicable to the election of members of municipal councils shall apply *mutatis mutandis* to the voting upon a by-law, whether the submission of it to the electors is optional with or compulsory upon the council. R.S.O. 1927, c. 233, s. 270.

If a by-law  
requires the  
assent of  
the electors,  
mode of  
obtaining  
same.

**280.**—(1) Where a by-law requires the assent, or is submitted to obtain the opinion, of the electors, except where otherwise provided, the council shall, by a separate by-law, appoint the day for taking the votes of the electors, the places where the votes are to be taken, and a deputy returning officer to take the votes at every such place.

Wards.

(2) Where a municipality is divided into wards, there shall be at least one polling place in each ward.

Date of  
taking vote.

(3) The date appointed shall not be less than three, or more than five, weeks after the first publication of the notice herein-after mentioned.

Time for  
submission  
of certain  
by-laws.

(4) In any city having a population of not less than 40,000 a proposed by-law providing for the purchase or acquiring of any public utility or street railway or for entering into any agreement for that purpose, or for disposing of any public utility or granting any public franchise shall be submitted only on the day fixed for taking the poll at the annual municipal election.

Time and  
place for  
summing  
up votes  
etc., by  
clerk.

(5) The by-law for taking the vote shall also appoint a time when, and a place where the clerk will sum up the number of votes given for and against the proposed by-law, or in the affirmative and the negative on the question and a time and a place for the appointment of persons to attend at the polling places, and at the final summing up of the votes by the clerk, on behalf of the persons interested in, and promoting or opposing the by-law or voting in the affirmative or the negative on the question.

Publication  
of by-law

(6) A copy of the proposed by-law, or a statement of the question submitted, as the case may be, shall be published once a week for three successive weeks, together with a notice signed by the clerk stating that the copy is a true copy of a proposed by-law, or a correct statement of the question submitted, as the case may be, and in the case of a by-law that, if the assent of the electors is obtained to it, it will be taken into consideration by the council after the expiration of one month from the date of the first publication, which date shall also be stated, and in the case of a money by-law stating that a tenant

who desires to vote must deliver to the clerk not later than the tenth day before the day appointed for taking the vote the declaration provided for by subsection 3 of section 283.

(7) The notice shall also state the day and places appointed <sup>Notice.</sup> for taking the votes, except where the votes are to be taken at the same time as the annual election, and, in that case, shall state that the votes will be taken at the annual election, and shall also state the time and place for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk.

(8) Instead of publishing a copy of the proposed by-law, <sup>Synopsis of by-law may be published.</sup> the council may publish a synopsis of it, containing a concise statement of its purpose, the amount of the debt or liability to be created or the money to be raised by it, how the same is to be payable, and the amount to be raised annually for the payment of the debt, and the interest or the instalments, if the debt is to be paid by instalments. R.S.O. 1927, c. 233, s. 271.

(9) Where more money by-laws than one are submitted at <sup>Subdivision of by-laws.</sup> the same time, all, or any number of such by-laws may be included in one notice of submission required by subsections 6 and 7. 1930, c. 44, s. 9.

**281.** Where more money by-laws than one are submitted <sup>One ballot for several by-laws.</sup> at the same time, they may be all placed upon one ballot paper. R.S.O. 1927, c. 233, s. 272.

**282.**—(1) The head of the council, or a member of it <sup>Appointment of persons to attend at polling places and at final summing up of votes.</sup> appointed for that purpose by resolution, shall attend at the time and place appointed, and, if requested so to do, shall appoint, by writing signed by him, two persons to attend at the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons interested in, and desirous of promoting, the proposed by-law, or voting in the affirmative on the question, and a like number on behalf of the persons interested in, and desirous of opposing the proposed by-law, or voting in the negative on the question.

(2) Before any person is so appointed, he shall make and <sup>Declaration.</sup> subscribe a declaration (Form 23).

(3) A person so appointed, before being admitted to the <sup>Appointment to be produced.</sup> polling place or to the summing up of the votes, shall, if so requested, produce and show his appointment to the deputy returning officer.

(4) In the absence of a person so appointed, or if no person <sup>When elector may act.</sup> has been appointed, any elector, upon making and subscribing, before the returning officer or deputy returning officer, a dec-

laration (Form 23), may be present at a polling place, or at the final summing up of the votes, as the case may be. R.S.O. 1927 c. 233, s. 273.

Persons  
qualified to  
vote on  
money  
by-laws.

**283.**—(1) The persons qualified to vote on a money by-law shall be those entitled to vote at an election with the following exceptions,—

- (a) tenants, other than those mentioned in subsection 3;
- (b) farmers' sons;
- (c) farmer's daughter or farmer's sister;
- (d) income voters;
- (e) a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by clause *d* of subsection 1 of section 56. R.S.O. 1927, c. 233, s. 274 (1); 1931, c. 50, s. 17; 1933, c. 37, s. 2 (7).

Nominee of  
corporation.

(2) The nominee of a corporation assessed upon the last revised assessment roll of the municipality which, if it had been a male person, would have been entitled to have been entered on the voters' list from which the list of voters mentioned in section 284 is to be prepared or in the case provided for by section 105 would, had it been a male person, have been entitled to be entered on such list of voters, shall also be qualified to vote.

Qualification  
of tenants.

(3) A tenant, whose lease extends for the time for which the debt or liability is to be created, or in which the money to be raised by the proposed by-law is payable, or for at least twenty-one years, and who has by the lease covenanted to pay all municipal taxes in respect of the property other than local improvement rates, if he makes and files with the clerk not later than the tenth day before the day appointed for taking the vote, a declaration, under the *Canada Evidence Act*, so stating shall be entitled to have his name entered on the list of voters prepared by the clerk, under section 284.

R.S.C. c. 59.

Appointment  
of nominee  
of corpora-  
tion to be  
filed with  
clerk.

(4) Where a corporation entitled to appoint a nominee to vote on its behalf desires to vote on a money by-law it shall not later than the tenth day before the day appointed for taking the vote file with the clerk of the municipality an appointment in writing of a person to vote as its nominee and on its behalf, and the name of every such nominee shall be included in the list. R.S.O. 1927, c. 233, s. 274 (2-4).

Preparation  
of list of  
voters.

**284.**—(1) Where the proposed by-law is a money by-law or one on which all the municipal electors are not entitled to



vote, the clerk, after the passing of the by-law for taking the vote, and not later than the tenth day before the day appointed for taking the vote, shall prepare a list of the persons entitled to vote on the proposed by-law and, subject to section 286 and to section 22 of *The Voters' Lists Act*, the list so prepared shall be final and conclusive as to the right of every person named therein to vote, and that no person not named therein is entitled to vote.

Rev. Stat.  
c. 7.

(2) The clerk shall prepare such list from the last revised voters' list, and in the case provided for by section 105 from the last revised assessment roll, omitting from his list the names of all persons whose names are entered on such voters' list or assessment roll, but are not entitled as appears by such list or roll to vote on the by-law, and in the case of money by-laws including in the list the nominees of corporations who are entitled to vote on the by-law.

From last  
revised  
voters' list  
or assess-  
ment roll.

(3) When the voting is to take place at the same time as the annual municipal elections, it shall be sufficient in the case of persons whose names are entered on the voters' list as tenants, if there is written on the voters' list used for the purpose of the election opposite to the name of such of them as are entitled to vote on the by-law the words "entitled to vote on the by-law," and it shall be deemed that the names of all others of such persons are omitted from the list within the meaning of subsection 2.

Designating  
tenants  
entitled to  
vote.

(4) The list prepared by the clerk shall be certified by him to be a true and correct list of all persons entitled to vote on the proposed by-law, and shall be forthwith posted up in his office. R.S.O. 1927, c. 233, s. 275.

Clerk to  
certify.

**285.**—(1) At any time not later than five days before the day appointed for taking the vote, a judge, upon the application of any person whose name is entered on the list of voters prepared by the clerk, or of any person entitled to be entered on that list, may strike from the list the name of any person who is dead or whose name has been wrongfully entered on it, and may add to the list the name of any person whose name has been wrongly omitted from the list, or who, if a tenant, though he had not made the declaration prescribed by subsection 3 of section 283, establishes that he has the qualification prescribed by that section.

Revision  
of list by  
judge.

(2) For the purpose of proving a death, the certificate of the Registrar-General, or of the Division Registrar, shall be sufficient evidence, but if the identity of the person who is dead with the person whose name is sought to be struck off is disputed, or open to reasonable doubt, proof of the identity shall be required.

Proof of  
death.

Rev. Stat.  
c. 7.

(3) The proceedings shall be the same, as nearly as may be, as prescribed by subsection 2 of section 21 of *The Voters' Lists Act*. R.S.O. 1927, c. 233, s. 276.

Voters' list  
where all  
municipal  
electors  
vote.

**286.** Where all the municipal electors are entitled to vote on the proposed by-law, the same lists shall be used in taking the vote as would be the proper voters' list to be used at a municipal election, and such lists shall be as final and conclusive as to the right to vote as when used at a municipal election. R.S.O. 1927, c. 233, s. 277.

Where rate-  
payers  
qualified in  
more than  
one ward.

**287.** In a municipality divided into wards, a voter shall be entitled to vote on a money by-law in each ward in which he has the prescribed qualification, but shall not be entitled to vote more than once on any other by-law or on any question submitted to the electors unless it is otherwise expressly provided by the Act, by-law, or other authority under which the vote is taken. R.S.O. 1927, c. 233, s. 278.

Clerk not  
to have cast-  
ing vote.

**288.** The clerk, if otherwise qualified, shall be entitled to vote, but not to give a casting vote. R.S.O. 1927, c. 233, s. 279.

Form of bal-  
lot papers.

**289.** The ballot papers shall be according to Form 24 when the voting is on a by-law, and according to Form 25 when it is on a question. R.S.O. 1927, c. 233, s. 280.

Directions  
to voters.

**290.** The printed directions to voters shall be according to Form 26. R.S.O. 1927, c. 233, s. 281.

Voter's oath  
where all  
municipal  
electors  
vote.

**291.**—(1) Where all the municipal electors are entitled to vote, the voter's oath shall be the same *mutatis mutandis* as at a municipal election where the members of the council are elected by general vote.

Voter not  
entitled to  
select form  
of oath.

(2) In the case of a money by-law, a voter shall not be entitled to select the form of oath he will take, but the oath to be taken by him shall be that applicable to his qualification as an owner or tenant, as it appears in the list of voters. R.S.O. 1927, c. 233, s. 282.

Application  
of Part III.

**292.** Except as otherwise in this Part provided, Part III shall apply *mutatis mutandis* to voting on a by-law. R.S.O. 1927, c. 233, s. 283.

Clerk to  
certify result  
to council.

**293.** After the clerk has summed up the number of votes cast, he shall declare the result of the voting and shall forthwith certify to the council the number of votes cast for and against the by-law. R.S.O. 1927, c. 233, s. 284.

**294.** A by-law shall be deemed to have been assented to by the electors if a majority of the votes cast is in favour of the by-law. R.S.O. 1927, c. 233, s. 285.

Assent of electors, what deemed to be.

**295.** Where the by-law is proposed to be passed by a county council, the proceedings shall be similar to those in the case of a by-law proposed to be passed by the council of a local municipality except that the list of voters for each local municipality shall be prepared by the clerk of it and not by the clerk of the county council, and that the declaration and appointment provided for by subsections 3 and 4 of section 283 shall be filed with the clerk of the local municipality. R.S.O. 1927, c. 233, s. 286.

Procedure in case of a county by-law.

### *Scrutiny.*

**296.**—(1) Within two weeks after the clerk has declared the result of the voting, any person who was entitled to vote upon the by-law or the council, after giving notice of the application to such persons as the judge directs, may apply to a judge of the county or district court of the county or district in which the municipality is situate for a scrutiny of the votes, and if it is shown by affidavit that there are reasonable grounds for the application, and, if the application is by a person entitled to vote on the by-law, he enters into a recognizance before the judge and to be allowed by him, in the sum of \$100, with two sureties in the sum of \$50 each, conditioned to prosecute the application with effect, and to pay to any person to whom costs may be awarded, the costs awarded to him, the judge may order a scrutiny of the votes to be had, and shall appoint a time and place, within the municipality, for proceeding with it.

Scrutiny may be had on application to county or district judge.

(2) At least one week's notice of the time and place appointed, shall be given by the applicant to such persons as the judge directs, and to the clerk.

Notice of time of scrutiny.

(3) At the time and place appointed, the clerk shall attend before the judge with the ballot papers, and the judge after hearing such evidence as he may deem necessary, and the parties, or such of them as attend, or their counsel, shall in a summary manner, determine whether the by-law has been assented to as required by this Act, and shall forthwith certify the result to the council.

Proceedings.

(4) Where it is proved that any person interested in, and promoting or opposing the by-law, was guilty of bribery or of a corrupt practice in respect of a voter who voted on the by-law, or if any person who is disqualified under subsection 1 of section 62 from voting at an election is proved to have voted there shall be struck off the number of votes given for the

Striking off votes for corrupt practices.

by-law if the person guilty or so disqualified was promoting the by-law, or given against the by-law if the person guilty, or so disqualified was opposing the by-law, one vote for every ballot cast by such voter.

Powers of judge.

(5) The judge shall have the like power and authority as to all matters arising upon the scrutiny, as would be possessed by him upon a trial of the validity of the election of a member of a council, but shall not have power to set aside the voting on the ground of general bribery or corrupt practices, and the costs shall be in the discretion of the judge, who may direct by whom, to whom, and in what manner they shall be paid.

Costs.

No appeal.

(6) The decision of the judge shall be final and not subject to appeal. R.S.O. 1927, c 233, s. 287.

#### *Passing By-laws by Council.*

Cases in which council must pass by-law assented to by electors.

**297.**—(1) Subject to subsection 5, where a proposed by-law, which the council has been legally required by petition or otherwise to submit for the assent of the electors has received such assent, it shall be the duty of the council to pass the by-law within six weeks after the voting took place.

Discretion of council in other cases.

(2) Subject to subsection 5, in other cases it shall not be incumbent on the council to pass the by-law, but if the council determines to pass it, it shall be passed within six weeks after the voting took place and not afterwards.

Time within which by-law cannot be passed.

(3) The by-law in either case shall not be passed until the expiration of two weeks after the result of the voting has been declared, or if within that period an order for a scrutiny has been made, until the result of the scrutiny has been certified by the judge.

Time occupied by scrutiny not to be counted.

(4) The time which intervenes between the making of an application for a scrutiny and the final disposition of it shall not be reckoned as part of the six weeks.

Extension of time for passing by-law.

(5) The Municipal Board may, upon the application of the council extend the time for passing the by-law beyond such period of six weeks, and such extension of time may be made although the application for the same is not made until after the expiration of such period of six weeks, and in such case the by-law may be passed within such extended time. R.S.O. 1927, c. 233, s. 288.

#### *Promulgation of By-laws.*

Promulgation of by-laws. Publication.

**298.**—(1) The promulgation of a by-law shall consist in the publication of a true copy of it, with a notice (Form 27), appended thereto, at least once a week for three successive weeks.



(2) If an application to quash the by-law, or part of it, is not made within three months after the first publication, the by-law, or so much of it as is not the subject of, or is not quashed upon any such application, shall be valid and binding, according to its terms, so far as the same ordains, prescribes or directs anything within the proper competence of the council. R.S.O. 1927, c. 233, s. 289.

If not moved against within the time limited to be valid.

## PART XI.

### QUASHING BY-LAWS.

**299.** In this Part "by-law" shall include an order or resolution. R.S.O. 1927 c. 233 s. 290.

Interpretation.

**300.**—(1) The Supreme Court upon application of a resident of the municipality or of a person interested in a by-law of its council may quash the by-law in whole or in part for illegality.

Proceedings to quash by-law.

(2) Notice of the application shall be served at least seven days before the return day of the motion.

Service of notice.

(3) Before the application is made, the applicant or, if the applicant is a corporation, some person on its behalf, shall enter into a recognizance before a judge of the county or district court of the county or district in which the municipality is situate, with two sureties in the sum of \$100, conditioned to prosecute the application with effect, and to pay any costs which may be awarded against the applicant.

Recognizance.

(4) The judge may allow the recognizance upon the sureties making proper affidavits of justification, and after it is allowed, the recognizances with the affidavits shall be filed in the Central Office of the Supreme Court.

Allowance of recognizance.

(5) In lieu of the recognizance, the applicant may pay into Court \$100, and the certificate of the payment into Court shall be filed in the Central Office.

Deposit in Court in lieu of recognizance.

(6) After the determination of the proceedings, the judge may order that the money paid into Court be applied in payment of costs, or be paid out to the applicant. R.S.O. 1927, c. 233, s. 291.

Application of deposit.

**301.** A by-law, in respect of the passing of which a violation of any of the provisions of sections 199 to 201 has taken place, may be quashed. R.S.O. 1927, c. 233, s. 292.

Quashing by-law for corrupt practice.

Application to quash by-law affecting another municipality.

**302.**—(1) Where it is alleged that a by-law injuriously affects another municipality or any ratepayer of it, and that the by-law is illegal, in whole or in part, the corporation of such other municipality or any ratepayer of it may apply to quash the by-law.

No security required from municipality.

(2) Where the application is made by a municipal corporation, security for costs shall not be required.

Inquiry by county or district judge where corrupt practices alleged.

(3) Where the application is based upon an allegation of a violation of any of the provisions of sections 199 to 201, either alone or in conjunction with any other ground of objection, the Supreme Court may direct an inquiry as to the alleged violation to be had before a special examiner or a judge of the county or district court of the county or district in which the municipality is situate, and the witnesses upon the inquiry shall be examined upon oath.

Return of evidence to officer of Supreme Court.

(4) After the completion of the inquiry, the special examiner or the judge shall return the evidence taken before him to the proper officer of the Supreme Court, and the same may be read in evidence upon the motion to quash.

No act to be done under by-law pending inquiry.

(5) Where an order, directing an inquiry, under subsection 3, has been made, and a copy of it has been left with the clerk of the municipality, nothing shall be done under the by-law unless the Supreme Court otherwise orders, until the application is disposed of.

Other cases.

(6) In other cases the Court may direct that nothing shall be done under the by-law until the application is disposed of. R.S.O. 1927, c. 233, s. 293.

Time for making application to quash.

**303.** An application to quash, in whole or in part, a by-law which has not been promulgated or registered under the provisions of section 314, shall not be entertained unless the application is made within one year after the passing of the by-law, unless it required the assent of the electors, and had not been submitted for, or had not received their assent; but in that case an application may be made at any time. R.S.O. 1927, c. 233, s. 294.

Exception.

## PART XII.

### MONEY BY-LAWS

Interpretation.

"Debt."

**304.**—(1) In this Part "debt" shall include liability and the borrowing of money. R.S.O. 1927, c. 233, s. 295 (1).

(2) "Rateable property" when used in this Act or in any by-law heretofore or hereafter passed which directs the levying of a rate on the rateable property in the municipality or any part of it, shall include income and business assessment as defined by *The Assessment Act*. R.S.O. 1927, c. 233, s. 295 (2); 1936, c. 40, s. 5; 1937, c. 47, s. 17. "Rateable property."  
Rev. Stat.  
c. 272.

**305.**—(1) A money by-law shall recite,—

Recitals.

- (a) the amount of the debt intended to be created, and in brief and general terms, the object for which it is to be created; Amount to be raised and object.
- (b) the amount of the whole rateable property of the municipality according to the last revised assessment roll, or, in the case of a county, the last revised and equalized assessment rolls of the local municipalities of which the county is composed; The value of the rateable property.
- (c) the amount of the debenture debt of the corporation, and how much, if any, of the principal or interest is in arrear; Amount of existing debt.
- (d) the approval of the Department of Health as required by subsection 2 of section 102 of *The Public Health Act*, if the by-law be for raising money for any of the purposes mentioned in section 96 or 101 of that Act. Approval of Department of Health.  
Rev. Stat.  
c. 299.

(2) The whole debt and the debentures to be issued therefor shall be made payable within the respective periods hereinafter mentioned at furthest from the time when the debentures are issued,— When debentures to be made payable.

- (a) if the debt is for railways, harbour works or improvements, sewers, gas or waterworks, the purchase or improvement of parks or the erection of high, continuation or public school houses, public hospitals and the acquiring of land therefor, or for electric light, heat or power works or water privileges or land used in connection therewith, or for acquiring land for a drillshed or armoury, in thirty years;
- (b) if the debt is for the establishment of a system of public scavenging or for the collection and disposal of ashes, refuse and garbage, in ten years;
- (c) if the debt is for the purchase of road-making machinery and appliances, in five years;
- (d) if the debt is for any other purpose, the whole debt, and the debentures to be issued therefor, shall be made payable in twenty years. R.S.O. 1927, c. 233, s. 296 (1, 2).

Amounts to  
be raised  
annually.

(3) Where the principal of the debt is made payable at a fixed date with interest payable annually or semi-annually, the by-law shall provide for the raising in each year during the currency of the debentures, or of any set of them by a special rate on all the rateable property in the municipality of,—

(a) a specific sum, sufficient to pay the interest on the debentures, or on any set of them, when, and as it becomes due; and

(b) a specific sum, which, with the estimated interest, at a rate not exceeding 3 per centum per annum, capitalized yearly, will be sufficient to pay the principal of the debentures, or of any set of them, when, and as it becomes due. R.S.O. 1927, c. 233, s. 296 (3); 1936, c. 39, s. 21 (1).

Equal  
annual  
instalments  
of principal  
and interest.

(4) Instead of the principal being made payable at a fixed date, with interest, payable annually or semi-annually, the by-law may provide that the principal and the interest shall be combined, and be made payable in, as nearly as possible, equal annual instalments during the period for which the debentures are to run, or that, without combining the principal and interest, the instalments of principal shall be of such amounts that, with the interest in respect of the debt, payable annually or semi-annually, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible, the same; provided, that each instalment of principal may be for an even \$100, \$500, or \$1,000, or multiple thereof, and notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof.

Multiples  
of \$100.

Equal  
instalments  
of principal  
with  
interest on  
balances.

(5) Instead of the principal being made payable as above provided, the by-law may provide that the principal may be repaid in equal annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid.

Amount to  
be raised  
annually.

(6) In the cases provided for by subsections 4 and 5, the by-law shall provide for raising in each year in which an instalment becomes due by a special rate on all the rateable property in the municipality, a specific sum sufficient to pay it when and as it becomes due.

By-law to  
change mode  
of issuing  
debentures.

(7) The council may by by-law, without the assent of the electors, authorize a change in the mode of issue of the debentures, and may provide that the debentures be issued with coupons, instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the council, upon again acquiring them, or at the request of any



holder of them, may cancel them, and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

(8) All the debentures shall be issued at one time and within two years after the passing of the by-law, unless on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years, and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the council, it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts, and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Debentures, when to be dated and issued.

(9) All the debentures shall bear the same date, except where they are issued in sets, and in that case every debenture of the same set shall bear the same date.

Date of debentures.

(10) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 8.

Idem.

(11) The Municipal Board, on the application of the council or of any person entitled to any of the debentures, or of the proceeds of the sale thereof, may extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Extension of time for issue.

(12) The extension may be made, although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Application after time expired.

(13) Unless the by-law names a later day when it is to take effect, it shall take effect on the day of its passing. R.S.O. 1927, c. 233, s. 296 (4-13).

Day when by-law to take effect.

(14) No by-law providing for the issue of sinking fund debentures shall be submitted for the assent, or to obtain the opinion of the electors, and no debt shall be incurred for any purpose if it is intended that the cost be provided by the subsequent issue of sinking fund debentures, until the approval of the Municipal Board as to the issue of sinking fund debentures has first been applied for and obtained. 1936, c. 39, s. 21 (2).

Sinking fund debenture proposals to be approved by Municipal Board.

Debentures  
expressed  
in sterling.

**306.**—(1) The authority conferred by this Act and any other general or special Act upon municipalities to borrow or raise money for any purpose and to issue debentures therefor shall extend to and shall be deemed always to have extended to include power to borrow and raise such money and to issue such debentures expressed and payable in sterling money of Great Britain for such principal amount as the council may deem necessary to realize the sum required for such purpose.

Annual rates  
for sterling  
debentures.

(2) Where under the provisions of any by-law of a municipality debentures issued thereunder are expressed and made payable in sterling, the council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon and to meet sinking fund payments or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for the said purposes and as the requirements for such purposes may from year to year vary.

Approval of  
Municipal  
Board.

(3) No by-law for the borrowing and raising of money or the issue of debentures expressed and payable in sterling shall finally be passed until the same is approved by the Municipal Board. 1933, c. 37, s. 8.

Assent of  
electors,  
when re-  
quired.

**307.**—(1) Except where otherwise provided by this or any other Act, a corporation shall not incur any debt the payment of which is not provided for in the estimates for the current year, unless a by-law of the council authorizing it has been passed with the assent of the electors. R.S.O. 1927, c. 233, s. 297 (1).

Premium  
note.

(2) Where a corporation gives a premium note for fire insurance, it shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates for the current year, as provided by subsection 1. 1930, c. 44, s. 10.

Exceptions.

(3) Subsection 1 shall not apply to a by-law passed,—

Rev. Stat.  
c. 269.

(a) under section 309, or paragraph 2 of section 407; or

(b) under *The Local Improvement Act*; or

(c) by the council of a county, or of a city which forms part of a county for judicial purposes, for raising money for erecting, rebuilding, enlarging, furnishing and equipping court house and offices to be used in connection therewith, a gaol, a gaoler's residence and a registry office, and for acquiring such land and buildings as may be necessary or convenient for such purposes; or

- (*d*) by the council of a city or a separated town for raising such sum as is required to pay its share of the debt of the county as agreed upon or determined by arbitration; or
- (*e*) by the council of a city with the approval of the Municipal Board for raising such sum as may be required to pay its share of the cost of constructing or reconstructing a bridge over any stream which constitutes a dividing line between the city and any other municipality or of reconstructing any existing bridge within the municipality; but the aggregate amount to be raised for all of such purposes in any one year shall not be more than \$10,000 where the city has a population of not more than 20,000; or \$15,000 where the city has a population of more than 20,000 and not more than 100,000; or \$20,000 where the city has a population of more than 100,000; or

R.S.O. 1927, c. 233, s. 297 (2), cls. (*a-c*).

- (*f*) by the council of any municipality with the approval of the Municipal Board for borrowing such sum or sums as may be required to pay or defray the cost or share of the cost of any work or improvement which by the terms of any order of the Board of Railway Commissioners of Canada or of the Municipal Board the municipality is or has been authorized or required to undertake or pay, or of any work or improvement which, in the opinion of the Municipal Board, is or has been rendered necessary or expedient owing to the construction of any work or improvement ordered by either of the said boards; but where any such work or improvement is or has been merely authorized, but not required to be undertaken by the municipality, no sum or sums may be borrowed hereunder unless the work was undertaken with the approval of the Municipal Board; or  
1931, c. 50, s. 18.
- (*g*) by the council of an urban municipality for raising such sum as may be required for the purchase of a site in the municipality for an armoury or drill-shed for any militia or volunteer corps having its headquarters in the municipality, if the by-law is passed by a vote of two thirds of all the members of the council; or
- (*h*) by the council of a county for guaranteeing debentures of a local municipality; or

(i) by the council of an urban municipality for purchasing fire engines, appliances, apparatus and appurtenances as provided by paragraph 16 of section 407; or R.S.O. 1927, c. 233, s. 297 (2), cls. (g-i).

Rev. Stat.  
cc. 357, 360,  
359.

(j) for borrowing money for any of the purposes mentioned in section 54 or 55 of *The Public Schools Act*, or section 43 of *The High Schools Act*, or subsection 2 of section 3 of *The Continuation Schools Act*; or R.S.O. 1927, c. 233, s. 297 (2), cl. (j); 1928, c. 37, s. 6.

(k) for borrowing a sum not exceeding \$5,000 for the purpose of making a grant to the University of Toronto; or

(l) under section 508; or

Rev. Stat.  
c. 299.

(m) for borrowing any sum or incurring any debt which under the provisions of *The Public Health Act* may be borrowed or incurred without the assent of the electors. R.S.O. 1927, c. 233, s. 297 (2), cls. (k-m).

Contracts  
for supply  
of a public  
utility.

Rev. Stat.  
c. 286.

**308.** A municipal corporation may enter into any contract for the supply of a public utility as defined by *The Public Utilities Act*, to the corporation or to the inhabitants thereof for any period not exceeding 10 years in the first instance and for renewing such contract from time to time for further periods not exceeding 10 years at any one time if a by-law setting forth the terms and conditions of such contract has been first submitted to and has received the assent of the municipal electors in the manner provided by this Act. R.S.O. 1927, c. 233, s. 298.

Special  
power of  
county to  
borrow.

**309.—**(1) A county council may in any year borrow any sum or sums not exceeding in the whole \$20,000 over and above what is required for its ordinary expenditure and over and above any sum which the council is by this Act or any other Act expressly authorized to borrow without the assent of the electors. R.S.O. 1927, c. 233, s. 299 (1).

Special  
power of  
county to  
borrow for  
hospital  
purposes.

(2) A county council may also borrow without the assent of the electors a sum not exceeding \$50,000 by the issue of debentures payable within thirty years for the purpose of making a grant for the erection, establishment, maintenance or equipment of a public hospital in any municipality, including a city or separated town, in the county. 1929, c. 58, s. 3.

Passing of  
by-law.

(3) Subject to subsection 4, the by-law shall be passed at a meeting specially called for the purpose of considering it, and held not less than six weeks after the first publication of a



notice of the day appointed for the meeting which shall be published once a week for four successive weeks, and shall state the amount to be borrowed, and the purpose for which it is to be borrowed.

(4) The by-law may be passed at any regular or special meeting to which the consideration of it may be adjourned. Adjourned meeting.  
R.S.O. 1927, c. 233, s. 299 (2, 3).

**310.**—(1) Where, owing to a decline or an advance in the rate of interest between the passing of a money by-law and the sale or other disposal of the debentures, they or any of them cannot be sold or disposed of, except at a heavy premium or at a discount involving a substantial reduction in the amount required to be provided, the council may, with the approval of the Municipal Board, and without submitting the same for the assent of the electors, pass a by-law to amend the first-mentioned by-law, by providing for a different rate of interest, and for a corresponding change in the amount to be raised annually. When rate of interest may be increased.  
R.S.O. 1927, c. 233, s. 300.

(2) For the purposes of this section, the hypothecation of debentures under section 337 at any time heretofore or hereafter made shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section.  
1932, c. 29, s. 9.

**311.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law, when part only of money raised.

(2) The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates due, or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect.  
R.S.O. 1927, c. 233, s. 301.

**312.** Subject to section 311, after a debt has been contracted under a by-law, the council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law, so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the corporation which has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed.  
R.S.O. 1927, c. 233, s. 302.

Penalty for neglect of officer to carry out by-law.

**313.** Any officer of a corporation, whose duty it is to carry into effect any of the provisions of a money by-law who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, shall incur a penalty not exceeding \$100. R.S.O. 1927, c. 233, s. 303.

*Registration of Money By-Laws.*

Money by-laws to be registered.

**314.**—(1) Within four weeks after the passing of a money by-law, the clerk shall register a duplicate original or a copy of it certified under his hand and the seal of the corporation, in the case of a county, in the registry division in which the county town is situate, and, in the case of a local municipality, in the registry division in which it is situate, or if the municipality comprises parts of two or more registry divisions in either of them.

Penalty.

(2) A clerk who neglects to perform within the prescribed period the duty imposed upon him by subsection 1 shall incur a penalty of \$200, recoverable by action, and, in default of payment, shall be liable to imprisonment for such period not exceeding twelve months, as the court may direct.

Publication of notice.

(3) Notice (Form 28), of the registration of every such by-law, except a by-law which has received the assent of the electors, or a by-law mentioned in subsection 4 shall immediately after its registration be published at least once a week for three successive weeks.

Exception as to certain by-laws. Rev. Stat. cc. 278, 269.

(4) It shall not be obligatory to register a by-law for the issue of debentures passed under *The Municipal Drainage Act* or under *The Local Improvement Act*.

Application to quash registered by-law—when to be made.

(5) Every by-law registered in accordance with the provisions of subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 4 applies, and in the case of other by-laws, within three months after the registration or where publication of the notice provided for by subsection 3 is required within three months after the first publication of the notice, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be.

(6) After the expiration of the period prescribed by subsection 5, if no application or action to quash the by-law is made or brought, the by-law shall be valid and binding according to its terms. Time when by-law to be valid and binding.

(7) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 5, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, shall after the expiration of that period be valid and binding according to its terms. Quashing part of by-law.

(8) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 5, if it has not already expired, the by-law, or so much of it as is not quashed shall be valid and binding according to its terms. Dismissal of application.

(9) Nothing in this section shall make valid a by-law, which requires, but has not received, the assent of the electors, or a by-law where it appears on the face of it that any of the provisions of subsections 2, 3, 4 and 6 of section 305 have not been substantially complied with. Illegal by-laws not validated.

(10) Failure to register a by-law or to publish notice of the registration of a by-law, as prescribed by this section, shall not invalidate it. Failure to register. R.S.O. 1927, c. 233, s. 305.

### PART XIII.

#### YEARLY RATES AND ESTIMATES.

**315.**—(1) The council of every municipality shall in each year levy on the whole rateable property according to the last revised assessment roll, a sum sufficient to pay all debts of the corporation, whether of principal or interest, falling due within the year, but shall not assess and levy in any year more than two and a half cents in the dollar on the assessed value of such property, according to the last revised assessment roll, exclusive of school and local improvement rates and exclusive of any rate not exceeding two mills in the dollar for granting aid to public hospitals for the purposes mentioned in paragraph 28 of section 404. Yearly rates to be levied, sufficient to pay all debts payable within the year. R.S.O. 1927, c. 233, s. 306 (1); 1930, c. 44, s. 12 (1). Limit of rates.

(2) If the aggregate amount of the rates necessary for payment of the current annual expenditure of the corporation, and the principal and the interest of such debts exceeds the rate mentioned in subsection 1, the council shall assess and levy Where aggregate rates insufficient.

such further sum as may be necessary to discharge such debts, but shall not contract any further debt until the annual rates are reduced to that rate without the approval of the Municipal Board which may be given if it is shown to the satisfaction of the Board that it is in the interests of the corporation and the ratepayers thereof that it should be authorized to incur such further debt and to levy any additional rate necessary to discharge it. R.S.O. 1927, c. 233, s. 306 (2).

Yearly estimates and contents.

**316.**—(1) The council of every municipality shall in each year prepare and adopt estimates of all sums required during the year for the purpose of the municipality, including the sums required by law to be provided by the council for school purposes and for any board, commission or other body, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe. 1932, c. 29, s. 10 *part*; 1935, c. 43, s. 2 (5).

Allowances to be made in estimates.

(2) The estimates shall provide due allowance for the cost of collection, abatement of and discount on taxes and uncollectible taxes, and may provide due allowance for taxes which may not be collected during the year.

Rating by-laws.

(3) One by-law or several by-laws for levying the rates may be passed as the council may deem expedient. 1932, c. 29, s. 10 *part*.

Form of estimates.

(4) The Department may prescribe the form of estimates to be prepared by the council and may from time to time vary the same. 1932, c. 29, s. 10 *part*; 1935, c. 43, s. 2 (5).

Yearly estimates from other boards, etc.

(5) The council may by by-law require that the estimates for the current year of every board, commission or other body for which the council is by law required to levy any rate or provide money, shall be submitted to the council on or before the 1st day of March in each year, and that such estimates shall be in the form and give the particulars which the by-law prescribes. 1933, c. 37, s. 9.

If the amount collected falls short.

**317.**—(1) Where the amount collected falls short of the sum required, the council may direct that the deficiency be made up from any unappropriated fund, or, if there is no such fund, the deficiency may be deducted proportionately from the sums estimated, or from any one or more of them.

Estimates may be reduced.

When sums collected exceed estimate.

(2) Where the amount collected exceeds the estimates, the surplus shall form part of the general funds, and shall be at the disposal of the council, unless otherwise specially appropriated. R.S.O. 1927, c. 233, s. 308.



**318.** The rates imposed for any year shall be deemed to have been imposed and to be due on and from the 1st day of January of such year unless otherwise expressly provided by the by-law by which they are imposed. R.S.O. 1927, c. 233, s. 309.

Rates to be due on January 1st.

## PART XIV.

### RESPECTING FINANCES.

#### *Accounts and Investments.*

**319.** Money received by any municipal corporation from the sale or hypothecation of any debentures shall be kept in a separate account and shall be used only for the purposes for which the same was raised and shall not be applied towards payment of the current or other expenditure of the municipality. R.S.O. 1927, c. 233, s. 310.

Application of proceeds of debentures.

**320.**—(1) Every council shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the sinking fund or the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted, and the accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for payment of it. R.S.O. 1927, c. 233, s. 311.

Accounts, how to be kept.

(2) The council of a city may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated interest account.

(3) The council of any city may by by-law provide that instead of a separate bank account being kept for the sinking fund of every debt which is to be paid by means of a sinking fund, a consolidated bank account may be kept in which there may be deposited the sinking funds of all debts which are to be paid by such means, but which consolidated bank account shall be so kept that the requirements of the sinking fund of every debt are duly provided for. 1934, c. 34, s. 5.

Consolidated sinking fund account.

Application  
of surplus  
money.

**321.** If, in any year, after paying the interest, and appropriating the necessary sum to the sinking fund, or in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or for the sinking fund, or in payment of the principal. R.S.O. 1927, c. 233, s. 312.

Money levied  
for a sinking  
fund not to  
be diverted.

**322.** No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the corporation. R.S.O. 1927, c. 233, s. 313.

Liability of  
members for  
diversion  
of sinking  
fund.

**323.**—(1) If the council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by  
ratepayer.

(2) If the council, upon the request in writing of a ratepayer, refuses or neglects for one month to bring an action therefor, the action may be brought by any ratepayer on behalf of himself and all other ratepayers.

Disqualifica-  
tion.

(3) The members who vote for such application shall be disqualified from holding any municipal office for two years. R.S.O. 1927, c. 233, s. 314.

Statement  
of treasurer  
as to amount  
required  
for sinking  
fund.

**324.**—(1) The treasurer of a municipality in which any sum is required by law to be raised for a sinking fund, shall prepare and lay before the council in every year, previous to the striking of the annual rate, a statement showing what amount will be required for that purpose.

Penalty.

(2) For every contravention of this section, the treasurer shall incur a penalty not exceeding \$25. R.S.O. 1927, c. 233, s. 315.

Penalty  
where coun-  
cil neglects  
to levy for  
sinking  
fund.

**325.** If the council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the council shall be disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. R.S.O. 1927, c. 233, s. 316.

Investment  
of sinking  
fund.

**326.** Subject to the provisions of sections 327 and 328, the council shall invest the sinking fund in such securities as a trustee may invest in under *The Trustee Act*, or with the approval of the Municipal Board in any debentures of the corporation; provided that the Board shall not approve of any greater portion or percentage than twenty-five per centum of

Rev. Stat.  
c. 165.

the total sinking fund being invested at any one time in debentures of the corporation. R.S.O. 1927, c. 233, s. 317; 1936, c. 39, s. 22.

**327.** The Municipal Board, on the application of a council, may direct that any part of the sinking fund, instead of being invested as hereinbefore provided, shall, from time to time, be applied to the redemption of any of the debentures, to the payment of which such sinking fund is applicable, to be selected as provided by the order of the Board, at such value as may be agreed on by the council and the holders of the debentures. R.S.O. 1927, c. 233, s. 318.

Redemption  
of debentures with  
sinking fund.

**328.**—(1) A council may provide by a money by-law that the annual amount to be levied on account of the sinking fund shall be paid by the treasurer of the municipality to the Treasurer of Ontario, and if the by-law does not provide for such payment, the council may pass a by-law providing therefor.

Payment  
of sinking  
fund into  
Provincial  
Treasury.

(2) All money received by the Treasurer of Ontario under the provisions of this section shall form part of the Consolidated Revenue Fund, and a statement of the amount at the credit of each municipality shall be set forth annually in the Public Accounts of Ontario.

Money so  
received to  
form part  
of Consolidated  
Revenue.

(3) The Treasurer of Ontario may invest the amount at the credit of a municipality or any part thereof in the debentures of such municipality, to redeem which such sinking funds were paid to the Treasurer.

Sinking fund  
may be  
invested in  
the debentures to be  
redeemed.

(4) The amount payable in any year into the sinking fund which under the provisions of the by-law is to be paid to the Treasurer of Ontario shall be deemed a debt due to him, and in default of payment thereof, he may sue therefor in his own name as for a debt due to the Crown in any court of competent jurisdiction.

Amount  
payable into  
sinking fund  
to be  
a debt to the  
Treasurer.

(5) Upon the maturity of the debentures to redeem which a sinking fund has been paid to the Treasurer of Ontario, the amount to the credit of the sinking fund shall be payable out of the Consolidated Revenue Fund upon the order of the Treasurer to the holder of the debentures or to his agent or into a bank or otherwise according to the tenor of the debentures or as the Treasurer may direct. R.S.O. 1927, c. 233, s. 319.

Disposition  
of sinking  
fund paid to  
Treasurer.

**329.** The rate of interest to be paid or credited to any municipal corporation by the Treasurer of Ontario upon municipal securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario, either as an invest-

Fixing cur-  
rent rate of  
interest on  
debentures,  
etc., held by  
Treasurer.

ment by the Province or for investment on behalf of a municipal corporation, shall be the current rate of interest as fixed from time to time by the Lieutenant-Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a Provincial loan and then outstanding. R.S.O. 1927, c. 233, s. 320.

Certain money may be set apart for educational purposes.

Investment of same.

**330.** Where a corporation has surplus money derived from "The Ontario Municipalities Fund," or from any other source, the council may set it apart for educational purposes and may invest it as well as any other money held by the corporation for, or appropriated by it to such purposes, in the securities mentioned in section 326, or may lend the same to any board of public school trustees in the municipality for such term and at such rate of interest as may be agreed upon, or may apply any part of such money in aid of schools in the municipality. R.S.O. 1927, c. 233, s. 324; 1932, c. 42, s. 7 (2).

Apportionment of public school money among school sections in townships.

**331.** The council of a township may apportion, among the public school sections in the township, the principal or interest of any investments for public school purposes, according to the salaries paid to the teachers, or the average attendance of pupils in the respective school sections during the next preceding year, or according to the assessed value of the property in the section, or by an equal division among the sections. R.S.O. 1927, c. 233, s. 325.

Prohibition as to unauthorized investment.

**332.** A member of a council shall not take part in, or be a party to, the investment of any such money, otherwise than as authorized by this Act, and, if he does so, he shall be personally liable for any loss sustained by the corporation in respect of the investment. R.S.O. 1927, c. 233, s. 326.

#### *Commission of Inquiry Into Finances.*

Commission of financial inquiry.

Rev. Stat. c. 19.

**333.**—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister of Municipal Affairs, may issue a commission to inquire into the financial affairs of any municipality, or local board thereof, and any matter connected therewith, and the commissioner shall have all the powers of a commissioner under *The Public Inquiries Act*.

When commission may issue.

(2) A commission may be recommended at the instance of the Department, or upon the request in writing of not less than one-third of the members of a council, or of not less than fifty ratepayers assessed as owners and resident in the municipality.

Expenses of commission.

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the com-



missioner, shall be fixed and certified by the Minister, and forthwith be paid by the municipality. 1936, c. 39, s. 23.

*Debentures.*

**334.**—(1) Subject to subsection 3, a debenture or other like instrument shall be sealed with the seal of the corporation, and signed by the head of the council, or by some other person authorized by by-law to sign it, and by the treasurer. Debentures, how to be executed.

(2) A debenture may have coupons for the interest attached to it, which shall be signed by the treasurer and his signature to them may be written, stamped, lithographed or engraved. Execution of coupons.

(3) In a city having a population of not less than 200,000, the signature of the head of the council of the said corporation to all debentures or other like instruments issued by the said corporation may be written, stamped, lithographed or engraved and if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be stamped, lithographed or engraved. Execution of debentures.

(4) A debenture may be made payable to bearer or to a named person or bearer and the full amount of it shall be recoverable notwithstanding its negotiation by the corporation at a discount. Full amount of debentures sold at a discount recoverable. R.S.O. 1927, c. 233, s. 329.

(5) Any debenture heretofore issued or hereafter to be issued shall be sufficiently signed by the head of the council if it bears the signature, as hereinbefore in this section provided, of the person who was the head of the council either at the date of the debenture or at the time when it was issued. 1931, c. 50, s. 19. Signature to debentures.

**335.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture which has matured has been paid by the corporation, the by-law and the debentures issued under it shall be valid and binding upon the corporation. Debentures on which payment has been made for one year to be valid. R.S.O. 1927, c. 233, s. 330; 1937, c. 47, s. 19.

**336.**—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:— Mode of transfer may be prescribed.

“This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this corporation, be transferable, except by entry by the treasurer or his deputy in the Debenture Registry Book of the Corporation at the \_\_\_\_\_ of \_\_\_\_\_,”

the treasurer, on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a Debenture registry book.

certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate which is subsequently given and shall also enter in such book a memorandum of every transfer of such debenture.

Require-  
ments as to  
endorsing  
certificate  
of ownership.

(2) A certificate of ownership shall not be endorsed on a debenture, except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, which authority shall be retained and filed by the treasurer.

Transfer by  
entry in  
registry  
book.

(3) After a certificate of ownership has been endorsed, the debenture shall be transferable only by entry by the treasurer or his deputy in the Debenture Registry Book, as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney. R.S.O. 1927, c. 233, s. 331.

Borrowing  
by hypothe-  
cation of  
debentures.

**337.**—(1) A council, pending the sale of a debenture, or in lieu of selling it, may, by by-law or resolution, authorize the head and treasurer to raise money by way of loan on such debenture and to hypothecate it for the loan.

Application  
of proceeds  
of loan.

(2) The proceeds of every such loan shall be applied to the purposes for which the debenture was issued, but the lender shall not be bound to see to the application of the proceeds, and, if the debenture is subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan. R.S.O. 1927, c. 233, s. 332.

Hypotheca-  
tion not to  
prevent sub-  
sequent sale  
of deben-  
tures.

(3) Subject to the provisions of subsection 2, the redemption of a debenture heretofore or hereafter hypothecated shall not be deemed to have prevented and shall not prevent the subsequent sale thereof. 1932, c. 29, s. 11.

Debentures,  
etc., not to  
be for less  
sums than  
\$50.

**338.**—(1) Subject to subsection 2, a corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than \$50, and any such bond, bill, note, or debenture, shall be void.

Proviso as  
to debentures  
issued for  
sums which  
include prin-  
cipal and  
interest.

(2) A debenture issued under the authority of any by-law providing for payment of principal and interest together yearly so computed and apportioned that the sum of both principal and interest is an equal annual sum of not less than \$50, whether the debenture is issued with or without coupons, shall be deemed to be a debenture of not less than \$50 within the meaning of this section, and all debentures so issued under such a by-law and otherwise legal shall be valid. R.S.O. 1927, c. 233, s. 333.

*Temporary Loans.*

**339.**—(1) A council may by by-law either before or after the passing of the by-law for imposing the rates for the current year authorize the head and treasurer to borrow from time to time by way of promissory note such sums as the council may deem necessary to meet, until the taxes are collected, the current expenditures of the corporation for the year, including the amounts required for sinking fund, principal and interest falling due within the year upon any debt of the corporation, school purposes, special rates purposes, and for any board, commission or body and other purposes for which the corporation is required by law to provide. Current borrowings.

(2) The amount which may be borrowed in any year for the purposes mentioned in subsection 1 shall not, except with the approval of the Municipal Board, exceed seventy per centum of the total amount of the estimated revenues of the corporation as set forth in the estimates adopted for the year. Limit upon borrowings.

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2, shall temporarily be calculated upon the estimated revenues of the corporation as set forth in the estimates adopted for the next preceding year. Temporary application of estimates of preceding year.

(4) For the purposes of subsections 2 and 3 estimated revenues shall not include revenues derivable or derived from arrears of taxes, borrowings and issues of debentures. Exclusion from estimated revenues.

(5) The lender shall not be bound to establish the necessity of borrowing the sum lent or to see to its application. Lender not bound by application of borrowings, etc.

(6) Any promissory note made under the authority of this section shall be executed in the same manner as a debenture as provided in subsection 1 of section 334, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes.

(7) The council may by by-law provide or authorize the head and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge shall not defeat or affect and shall be subject to any prior charge then subsisting in favour of any other lender. Creation of charge.

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the head and treasurer. Execution of agreements.

Penalty for  
excess bor-  
rowings.

(9) If the council authorize the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor shall be disqualified from holding any municipal office for two years.

Penalty for  
misapplica-  
tion of  
revenues by  
council.

(10) If the council authorize the application of any revenues of the corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for  
misapplica-  
tion of  
revenues by  
officials.

(11) If any member of the council or officer of the corporation applies any revenues so charged as aforesaid otherwise than in repayment of the loan secured by such charge, he shall be personally liable for the amount so applied which may be recovered in any court of competent jurisdiction. 1933, c. 37, s. 10, *part*.

Saving  
clauses as to  
penalties.

Rev. Stat.  
c. 59.

(12) Subsections 9, 10 and 11 shall not apply to a council or any member of a council or officer of a corporation acting under an order or direction issued or made under the authority of Part III of *The Department of Municipal Affairs Act*, nor shall they apply in any case where application of the revenues of the corporation is made with the consent of the lender in whose favour a charge exists. 1933, c. 37, s. 10, *part*; 1937, c. 47, s. 20.

Temporary  
advances to  
meet cost  
of works.

**340.** Where by this or any other Act power is conferred on a municipal corporation to borrow money for any purpose without the assent of the electors, it shall include not only the power to borrow money by the issue of debentures, but also the power to agree with any bank or person for temporary advances to meet the expenditure incurred from time to time for such purpose, and to borrow from time to time by the issue and sale of debentures such sum as may be necessary to repay such advances. R.S.O. 1927, c. 233, s. 335; 1931, c. 50, s. 20.

Power to  
borrow to  
meet guar-  
antee of  
debentures.

**341.** When a corporation guarantees the payment of the principal or interest of any bonds or debentures and default is made in payment of the principal or interest by the person primarily liable therefor, the council of such corporation may agree with any bank or person for temporary advances to meet the amount in default in any one year pending the collection of such amount by a rate on all the rateable property in the municipality, or where the guarantee is by or on behalf of a section or portion of a township, by a rate on all the rateable property in such section or portion. R.S.O. 1927, c. 233, s. 336.



## PART XV.

*ACQUISITION OF LAND AND COMPENSATION.**Land Taken or Injuriouslly Affected.***342.** In this Part,—

- (a) "Expropriation" shall mean taking without the consent of the owner, and "expropriate" and "expropriating" shall have a corresponding meaning; Interpretation.  
"Expropriation."
- (b) "Judge" shall mean a judge of the county or district court of the county or district in which the land or any part of it is situate; "Judge."
- (c) "Land" shall include a right or interest in, and an easement over, land; "Land."
- (d) "Owner" shall include mortgagee, lessee, tenant, occupant, and a person entitled to a limited estate or interest in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator, and a guardian; "Owner."

R.S.O. 1927, c. 233, s. 337.

**343.**—(1) The council of every corporation may pass by-laws for acquiring or expropriating any land required for the purposes of the corporation, and for erecting buildings thereon, and may sell or otherwise dispose of the same when no longer so required. Power to acquire or expropriate land.

(2) Where in the exercise of its powers of acquiring or expropriating land it appears to the council that it can acquire a larger quantity of land from any particular owner at a more reasonable price and on terms more advantageous than those upon which it could obtain the part immediately required for its purposes, the council may acquire or expropriate such larger quantity and may afterwards sell and dispose of so much of it as is not so required. Taking more land than required.

(3) A by-law for entering on or expropriating land shall contain a description of the land, and, if it is proposed to expropriate an easement or other right in the nature of an easement, a statement of the nature and extent of the easement to be expropriated. Land to be described in by-law, etc. R.S.O. 1927, c. 233, s. 338.

**344.**—(1) Any land acquired or taken by a corporation in the exercise of the powers conferred by any general or special Act in excess of the land actually required for the opening, widening, extension or straightening of a highway may be used Power to use excess land by way of compensation to owners.

in or towards making compensation by way of restitution to the owner of other land taken for or in connection with the work, and the corporation may lawfully exercise such powers in pursuance of an agreement to that effect with such owner or with a view to making or proposing to make such an agreement.

Offer to transfer excess land by way of compensation to be considered by arbitrators; award to be binding.

(2) If in any arbitration proceeding to fix compensation for land taken by it, the corporation shall offer to transfer or assure additional or other land to the owner by way of enlarging the remainder of his parcel or in substitution for his parcel such offer shall be taken into account by the arbitrators and dealt with in the award, and if the award is based on such transfer being made the offer shall be binding on the corporation in the terms fixed by the award (subject to any right of appeal) and the offer and final award shall together constitute an agreement between the parties and the owner shall be entitled to have such additional or substituted land assured him in accordance therewith.

Power of Municipal Board to order performance of agreement.

(3) In such case upon the application of the corporation or of any interested party the Municipal Board may make such orders to compel the taking by the corporation of such additional land for the purposes of the agreement and concerning the compensation payable thereon and as to the vesting of the title to the land in accordance with the agreement as may be necessary to protect and enforce the rights of all parties interested. R.S.O. 1927, c. 233, s. 339.

Sale of land by council, when not to be open to question.

**345.** The determination of a council as to the time when, the manner in which, the price for which or the person to whom any property of the corporation, which the council may lawfully sell, shall be sold, shall not be open to question, review, or control by any court, if the purchaser is a person who may lawfully buy, and the council acted in good faith. R.S.O. 1927, c. 233, s. 340.

Power to enter on land after expropriation by-law passed.

**346.**—(1) At any time after the passing of a by-law for entering on or expropriating land, the corporation, by leave of the judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the judge, to satisfy the compensation, may enter upon the land, and, if any resistance or forcible opposition is made to its so doing, the judge may issue his warrant to the sheriff of the county or district in which the land lies to put the corporation in possession, and to put down such resistance or opposition which the sheriff, taking with him sufficient assistance, shall accordingly do.

When leave and payment into Court not required.

(2) Leave of the judge and payment into Court shall not be necessary where the land is being expropriated for or in connection with the opening, widening, protecting from the erosion

of streams or water, altering or diverting a highway unless upon application by the owner a judge of the Supreme Court otherwise directs. R.S.O. 1927, c. 233, s. 341.

**347.**—(1) Where land is expropriated for the purposes of a corporation, or is injuriously affected by the exercise of any of the powers of a corporation under the authority of this Act or under the authority of any general or special Act, unless it is otherwise expressly provided by such general or special Act, the corporation shall make due compensation to the owner for the land expropriated and for any damage necessarily resulting from the expropriation of the land, or where land is injuriously affected by the exercise of such powers for the damages necessarily resulting therefrom, beyond any advantage which the owner may derive from any work, for the purposes of, or in connection with which the land is injuriously affected.

Owners of lands taken, etc., by corporation, etc., to be compensated.

(2) The amount of the compensation, if not mutually agreed upon, shall be determined by arbitration.

Arbitration.

(3) Where fencing or additional fencing will become necessary, owing to land having been expropriated, the cost of it shall be included in the compensation.

Fencing.

(4) Where part only of the land of an owner is expropriated, there shall be included in the compensation a sum sufficient to compensate him for any damages directly resulting from severance.

Damages resulting from severance.

R.S.O. 1927, c. 233, s. 342.

*“Deferred” Widening, etc., of Highway.*

**348.**—(1) A by-law of the council of a city having a population of not less than 50,000 or a municipality bordering on such a city for establishing or laying out, or for extending, widening or diverting a highway or part of a highway may provide that the corporation shall not enter immediately on the land required to be taken or proceed to carry out the work but that the same shall be deferred until a day named therein not less than three nor more than ten years after the date of the passing of the by-law, and in this section the word “highway” shall include “street” as defined in *The Local Improvement Act*.

By-law may fix future date for widening, etc.

R.S.O. 1927, c. 233, s. 343 (1).

Rev. Stat. c. 269.

(2) Subject to the provisions of subsection 7 the corporation shall not enter on any land required to be taken before the day named in such by-law unless by leave of the judge or by

Entry deferred accordingly.

order of the Municipal Board made as hereinafter provided. R.S.O. 1927, c. 233, s. 343 (2) ; 1932, c. 29, s. 13.

By-law not  
to be repeal-  
ed except  
with leave of  
Municipal  
Board.

(3) Such by-law shall be binding upon the corporation and shall not be repealed or altered except by a vote of two-thirds of the members of the council and with leave of the Municipal Board, such leave to be granted the corporation only for exceptional reasons not apparent or existing when the by-law was passed and after hearing the owners of the lands proposed to be taken and on such terms as the Board may determine in regard to the revesting of the land taken and the payment to each owner of the damages, if any, sustained by him in consequence of the passing of the by-law or of so much of the by-law as is proposed to be altered and his costs.

Registration  
of plan in  
advance.

(4) Where the council proposes to pass a by-law under this section it may register in the proper registry office a draft plan of the contemplated work with any supplementary memorandum which may be needed to show its substantial features and furnish adequate local description to comply with *The Registry Act*, and the registrar shall enter the same on the abstract index for each parcel of land required to be taken ; but if the by-law is not passed within six months after such registration the registration shall be deemed of no effect and the corporation shall forthwith cause a certificate signed by the mayor or reeve and clerk and sealed with the corporation's seal, stating that no by-law was passed, to be registered in like manner in the registry office.

Rev. Stat.  
c. 170.

Land taken  
shall vest  
at once in  
corporation  
on con-  
ditions.

(5) After the passing of the by-law and subject to any order made by the Municipal Board under subsection 3 the land required to be taken for the work shall be deemed to be vested in the corporation for the purposes of a highway subject to the right of the owner or his assigns to remain in the possession and enjoyment thereof without impeachment of waste either wanton or permissive until entry by the corporation as afore-said and to utilize the land and to erect buildings thereon during his or their occupancy (subject to the provisions contained in subsections 13 and 14 as to compensation in respect of such buildings).

Assessment  
of land when  
vested.

(6) After the land is vested in the corporation it shall for all purposes of assessment and taxation, whether under the said by-law or otherwise, be deemed to be a component part of the highway ; but where a building stands partly on land taken for the work and partly on adjoining land it shall be assessed on the assessment roll of the municipality in the same manner as if it stood entirely on such adjoining land. R.S.O. 1927, c. 233, s. 343 (3-6).



(7) Where it is shown to the satisfaction of the Municipal Board upon application made by the corporation before the day fixed for entry by the by-law that in view of financial conditions it is desirable that the day fixed for entry by the by-law should be further deferred, the Municipal Board may further defer the time for entry by the corporation on the land until a day not less than one year nor more than three years after the day fixed for entry by the by-law, but so that the total time for which entry is deferred by the provisions of the by-law and the order of the Municipal Board shall not exceed ten years upon such terms and conditions as the said Board may deem proper, and upon such order being made the day fixed by the Municipal Board as the day for entry shall thereafter be deemed to be the day fixed in the by-law for entry. 1932, c. 29, s. 14.

(8) At the date named in the by-law for entry it shall be the duty of the corporation to enter and proceed with diligence and despatch to remove all buildings and obstructions from the land taken for the work and to put it in fit and proper condition and make it available for use as a highway.

(9) The by-law may be passed without the assent of the electors and without regard to the provisions of *The Local Improvement Act* and shall express the intention of the council as to the corporation's portion of the cost thereunder, and the council may thereafter by a majority vote, pass a by-law for undertaking the work as a local improvement and such by-law shall have the same force and effect as if passed under section 8 of *The Local Improvement Act* and the provisions of that Act shall apply thereafter to such work *mutatis mutandis* and the owners of the lots liable to be specially assessed thereunder shall have all the rights and remedies in relation thereto which are given them by the said Act so far as they are not inconsistent with the other provisions of this section, but the Municipal Board shall have no power under section 6 or 8 of the said Act, either by making an order or by withholding its approval to prevent the due carrying out of the work.

#### *Compensation Under "Deferred" Street Widening*

(10) Except as may be otherwise ordered by the Municipal Board under subsection 14 compensation payable under this section shall not become payable until the day fixed in the by-law for entry.

(11) The compensation shall be limited to,—

- (a) the market value of the land itself exclusive of and without regard to any buildings or improvements thereon; and

Application by corporation to Municipal Board to further defer entry.

Corporation to enter at date named.

Subsequent by-law for undertaking work as a local improvement.

Rev. Stat. c. 269.

Compensation, when payable.

Limitations as to compensation.

(b) the value of the buildings and improvements;

(c) damages occasioned by disturbance to any business established previous to the passing of the by-law to which the general principles of compensation shall apply;

(d) damages to land, buildings and improvements injuriously affected by the exercise of any of the powers conferred by this section.

Arbitrators. (12) The compensation shall be determined by a board of three arbitrators, all of whom may be residents of the municipality, one to be appointed by the judge and one by the Municipal Board and the third to be chosen by the two so appointed, and in the event of their failure to agree, the third to be appointed by the Chief Justice of Ontario.

"Land." (13)—(a) In this subsection the word "land" shall mean the land itself exclusive of and without regard to any buildings or improvements thereon.

Fixing compensation for land apart from buildings. (b) Notwithstanding that entry is deferred the corporation or the owner may proceed at once after the passing of the by-law to have determined the compensation, if any, payable hereunder in respect of any land.

Value. (c) The value of the land shall be fixed as of the date of the registration of the draft plan (or if no plan is registered, as of the date of the passing of the by-law).

Arbitration. (d) The board of arbitrators may determine the compensation in a summary manner upon seven days' notice in writing duly served, and after hearing what is alleged by the parties and without hearing any other evidence unless it decides to do so may forthwith make its award, and the award so made shall be final and shall not be subject to appeal, except as to questions of law on which there shall be an appeal to the Court of Appeal, whose decision shall be final and binding and without appeal.

Hearing. (e) The board of arbitrators in its discretion may require all the claims for land taken under the by-law to be brought before it at one hearing, or it may divide the claims into groups and hold a separate hearing for each group.

Fixing compensation for buildings. (14)—(a) Compensation shall be allowed in respect of buildings and improvements as they may exist at the date fixed for entry, and such compensation shall be determined by said board of arbitrators in the manner above set out.

(b) In respect to buildings or improvements erected or made <sup>As to buildings erected after passing of by-law.</sup> after the date of the registration of the draft plan of the work (or if no plan is registered, after the date of the passing of the by-law) the compensation or damages shall be allowed and payable to the extent only of three-quarters of the proper cost of a structure one storey in height of such temporary character, conformable to the existing building by-laws and regulations, as may be reasonable in view of the limited time which is to elapse before entry.

(15) The Municipal Board may make an order at any time <sup>Relief in special cases.</sup> granting relief in the following cases: first, where part of an owner's lot is taken for the work and special circumstances exist in the matter of the location, size or shape of the lot which render it inequitable and unjust that the compensation to be allowed for buildings or improvements to be thereafter erected thereon should be limited as provided in subsection 13 and, secondly, where the work is deferred until a day more than five years after the date of the passing of the by-law and the whole of the owner's lot is taken or so much of it as to render the remainder, by reason of its size or shape, unfit for building purposes, and the Board in the first case may approve of plans and specifications for appropriate buildings or improvements and fix the basis of compensation to be made therefor, and in the second case it may direct the corporation to enter and make compensation to the owner at an earlier day than the day named in the by-law or to make an immediate or periodical payment to the owner to compensate him for the delay, or it may make such further or other order in either case as may be required to afford due compensation to the owner for the exceptional and peculiar damage he would suffer by reason of the special circumstances affecting his lot.

(16) The council may agree with any bank or person for <sup>Temporary advances.</sup> temporary advances to meet any costs or liabilities incurred under the by-law prior to the completion of the work. R.S.O. 1927, c. 233, s. 343 (7-15).

*General Provisions as to Compensation.*

**349.**—(1) Except where the person entitled to the compensation is an infant, a mental incompetent or a person of unsound mind, a claim for compensation for damages resulting from his land being injuriously affected shall be made in writing with particulars of the claim, within one year after the injury was sustained, or after it became known to such person, and, if not so made, the right to compensation shall be forever barred. <sup>Claim for compensation, when and how to be made.</sup>

Case of  
infant,  
mental in-  
competent,  
etc.

(2) In the case of an infant, a mental incompetent or a person of unsound mind, the claim shall be so made within the same period, or within one year after he ceased to be under the disability, whichever shall be the longer, or in case of his death while under the disability, within one year after his death, and, if not so made, the right to compensation shall be forever barred.

Exception  
as to  
acquiring  
easement.

(3) This section shall not apply where the expropriating by-law provides for acquiring an easement or right in the nature of an easement, and the damages arise from the exercise of such easement or right. R.S.O. 1927, c. 233, s. 344.

Appoint-  
ment of  
person to  
act for  
owner who is  
unknown or  
cannot be  
found.

**350.**—(1) If the owner of the land is unknown, or cannot be found, or if there is no person competent to contract with the corporation for the sale to it of the land, and to convey it to the corporation, the judge may, on the application of the corporation, appoint a person to act for the owner, and all acts done, contracts made, and conveyances executed by such person, shall be as valid and effectual as if the same were done, made or executed by the owner, and he were of full age and competent to do the act, make the contract or execute the conveyance.

Payment of  
compensa-  
tion into  
Court.

(2) In the cases provided for by subsection 1, the amount of the compensation agreed upon or awarded shall be paid into the Supreme Court, with the privity of the accountant of the Supreme Court, subject to further order. R.S.O. 1927, c. 233, s. 345.

Interest on  
compensa-  
tion.

**351.** The arbitrator may allow interest on the compensation at the rate of five per centum per annum from a day fixed by him. 1928, c. 37, s. 7.

Compensa-  
tion to stand  
in the stead  
of land.

**352.** The compensation shall stand in the place of the land, and shall be subject to the limitations and charges, if any, to which the land was subject, and any claim to or incumbrance upon the land, or any part of it, as against the corporation, shall be converted into a claim upon the compensation. R.S.O. 1927, c. 233, s. 346.

Interest on  
compensa-  
tion.

**353.**—(1) Where it is made to appear to a judge of the Supreme Court that for any reason it is proper that the compensation should be paid into Court, the judge may give leave to the corporation to pay it into Court, with interest at the rate of six per centum per annum for six months.

Notice of  
payment  
into Court.

(2) Notice of the payment into Court, and calling upon all persons entitled to the land, or any part of it, to file their claims



to the compensation, or any part of it, shall be published in such newspaper and for such time as the judge may direct.

(3) All claims to or upon the compensation shall be determined by a judge of the Supreme Court or in such manner as he may direct. Claims, how determined.

(4) The costs of the proceedings, including allowances to witnesses, shall be paid by the corporation or by such person as the judge may direct. Costs.

(5) If an order for distribution is obtained in less than three months from the payment into Court the judge may direct a proportionate part of the interest to be returned to the corporation. Refund of interest.

(6) The payment into Court shall discharge the corporation from all liability in respect of the compensation. R.S.O. 1927, c. 233, s. 347. Payment into Court to discharge corporation.

**354.** After payment into Court of the compensation, a judge of the Supreme Court may, upon the application of the corporation, make an order, vesting in the corporation the land in respect of which the compensation was payable, and the order shall have the same effect as a vesting order made under the provisions of *The Judicature Act*. R.S.O. 1927, c. 233, s. 348. Order vesting land in corporation. Rev. Stat. c. 100

**355.**—(1) Where the council of a city or town is desirous of entering upon any work or undertaking, for which land is required to be expropriated, or, in the execution of which, land may be injuriously affected, the council may file, in the office of the clerk, plans and specifications of the work or undertaking, which shall show the names of the owners of the land to be affected, the land to be expropriated, and the nature and extent of any easement, or right in the nature of an easement, to be acquired, or certified copies of such plans and specifications. Taking, etc., lands for public work. Filing plans and specifications.

(2) The clerk shall cause to be served upon every owner of land to be expropriated, or which may be injuriously affected, a notice of the council's intention to proceed with the work or undertaking, and to expropriate the land necessary therefor, and that such plans and specifications may be inspected at his office, and that any claim for compensation on account of the land being injuriously affected must be filed in his office, with a statement of the amount claimed, within sixty days, or, if the person served resides out of Ontario, within ninety days, from the service of the notice. Service of notice of intention to construct works, etc. Filing of claim.

Claim not  
filed to be  
barred.

(3) If a claim is not so filed within the period mentioned in subsection 2, it shall be forever barred, unless, upon application to a judge of the Supreme Court, made not later than one year from the service of the notice, and, after seven days' notice to the corporation, the judge allows the claim to be made.

Appeal.

(4) Either party may appeal from the decision of the judge to the Court of Appeal.

Claims not  
barred  
where plans  
insufficient

(5) Nothing in this section shall have the effect of barring a claim, if the plans and specifications filed do not disclose or sufficiently disclose that the injury in respect of which the claim is made will be caused by the work or undertaking.

For claims  
of infants,  
and mental  
incom-  
petents, etc.

(6) This section shall not apply to the claim of an infant, a mental incompetent or a person of unsound mind, or where the expropriating by-law provides for acquiring an easement or right in the nature of an easement and the land is injuriously affected by the exercise of such easement or right. R.S.O. 1927, c. 233, s. 349.

## PART XVI.

### *Arbitrations.*

Senior judge  
as sole  
arbitrator

**356.**—(1) Save in cases where there is an official arbitrator the senior judge of the county or district court shall be sole arbitrator unless he shall under his hand request a junior judge or the judge or junior judge of some other county or district to act for him, in which case the judge so designated shall be sole arbitrator.

Rev. Stat.  
c. 280.

(2) The provisions of *The Municipal Arbitrations Act* as to procedure and appeals shall apply to arbitrations held and awards made by the judge. R.S.O. 1927, c. 233, s. 350.

Award not  
to be bind-  
ing in cer-  
tain cases  
unless  
adopted  
by by-law.

**357.**—(1) Where the arbitration is as to compensation, if the expropriating by-law did not authorize or profess to authorize any entry on or use to be made of the land before the award, except for the purpose of survey, or if the by-law gave or professed to give such authority, but the arbitrator by his award finds that it was not acted upon, the award shall not be binding on the corporation, unless it is adopted by by-law, within three months after the making of the award, or after the determination of any appeal therefrom, and if it is not so adopted, the expropriating by-law shall be deemed to be repealed, and the corporation shall pay the costs between solicitor

and client of the reference and award, and shall also pay to the owner the damages, if any, sustained by him in consequence of the passing of the by-law, and such damages if not mutually agreed upon shall be determined by arbitration and if the by-law has been registered or a caution in respect of it has been filed, the corporation shall forthwith cause a certificate signed by the mayor and clerk and sealed with the corporation's seal, stating that the by-law stands repealed, to be registered in the proper registry office or the caution to be removed as the case may be.

(2) Subject to the provisions of subsection 3, where the expropriating by-law did not authorize or profess to authorize any entry on or use to be made of the land except for the purpose of survey, or if the by-law gave or professed to give such authority but it has not been acted on, the council may at any time before the making of the award, and whether or not arbitration proceedings have been begun, repeal the by-law, and if that is done the repealing by-law shall, if the expropriating by-law has been registered, be forthwith registered by the corporation in the proper registry office, or if the land is under *The Land Titles Act* and a caution has been filed, the corporation shall forthwith remove the caution and the costs and damages mentioned in subsection 1 shall be paid by the corporation as therein provided.

Power to  
repeal by-  
law before  
award.

Rev. Stat.  
c. 174.

(3) Subsection 2 shall not in any way affect or apply to the rights of any person under an award heretofore made. R.S.O. 1927, c. 233, s. 351.

Saving.

## PART XVII.

### ACTIONS BY AND AGAINST MUNICIPAL CORPORATIONS.

**358.** Where a duty, obligation, or liability is imposed by statute upon any person in favour of a municipal corporation, or the inhabitants, or some of the inhabitants, of a municipality, or where a contract or agreement is entered into, which imposes such a duty, obligation, or liability, the corporation shall have the right by action to enforce it, and to obtain as complete and as full relief and remedy as could be obtained in an action by the Attorney-General, as plaintiff, or as plaintiff on the relation of any person interested, or in action by such inhabitants or one or more of them, on his or their own behalf, or on behalf of himself or themselves and of such inhabitants. R.S.O. 1927, c. 233, s. 352.

Right of  
action of  
municipal  
corporation  
to enforce  
agreements,  
etc.

Corporation  
to be liable  
for acts done  
under illegal  
by-law.

**359.** An action shall not be brought for anything done under a by-law, order or resolution of a council which is invalid, in whole or in part, until one month after the by-law, order or resolution, or so much of it as is invalid, has been quashed or repealed, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. R.S.O. 1927, c. 233, s. 353.

## PART XVIII.

### RESPECTING THE ADMINISTRATION OF JUSTICE.

#### *Justices of the Peace.*

Certain persons to be *ex officio* justices of the peace.

**360.** The head of every council, the reeve of every town, and every deputy reeve, after he has made the declarations of office and qualification, shall, *ex officio*, be a justice of the peace for the whole county or district, and every controller and alderman in a city, after he has made such declarations, shall be *ex officio*, a justice of the peace for the city. R.S.O. 1927, c. 233, s. 354; 1930, c. 44, s. 13.

Justice may act although member of council.

**361.** A justice of the peace shall not be disqualified from acting in the case of a prosecution for a breach of a by-law of a council,—

- (a) by reason of his being a member of the council; or
- (b) because the penalty or part of it goes to the corporation of a municipality of which he is a ratepayer. R.S.O. 1927, c. 233, s. 355.

#### *Police Office in Cities and Towns.*

Police office.

**362.** The council of every city and town shall establish and maintain therein a police office. R.S.O. 1927, c. 233, s. 356.

Magistrate to attend daily.

**363.**—(1) The magistrate, or, if he is absent or ill, or if there is a vacancy in the office, the deputy magistrate, shall attend at the police office daily, for such period as may be necessary for the disposal of the business to be done.

Mayor to attend where no magistrate.

(2) In a town for which there is not a magistrate, the mayor shall attend at the police office daily, or at such time, and for such period as may be necessary for the disposal of the business that may be brought before him as a justice of the peace.



(3) In a city or town for which there is a magistrate, if he is absent or ill, and there is no deputy magistrate, or if the deputy magistrate is also absent or ill, the mayor shall attend in the place of the magistrate, but shall have only the powers of a justice of the peace. Case of illness or absence of magistrate.

(4) A justice of the peace having jurisdiction in a city or town may, at the request of the mayor, act in his stead. When justice may act.

(5) The council shall provide all necessary and proper accommodation, fuel, light, stationery and furniture for the police office, and for the officers connected with it. Accommodation, etc., for police office.

(6) The clerk of the council of the city or town, or such other person as the council appoints for that purpose, shall be the clerk of the police office, and shall perform the same duties and receive the same fees and emoluments as a clerk of a justice of the peace. Clerk of police office and his duties.

(7) Where the clerk of the council is paid by a salary, the fees and emoluments shall be paid over by him and belong to the corporation. If paid by salary, fees to belong to corporation.

(8) Where there is a magistrate, the clerk of the police office shall be under his control. R.S.O. 1927, c. 233, s. 357. Clerk to be under control of magistrate.

### *Boards of Commissioners of Police.*

**364.**—(1) Notwithstanding the provisions of any special Act, there shall be for every city, and there may be constituted by the council thereof for every town having a magistrate, a board of commissioners of police. Constitution of board in cities and towns.

(2) The board shall consist of the mayor, a judge of the county or district court of the county or district in which the city or town is situate, and the magistrate. Who to be members.

(3) If there are two or more judges for the county or district, the Lieutenant-Governor in Council shall designate the judge who is to be a member of the board. R.S.O. 1927, c. 233, s. 358, (1-3). Designating judge, where more than one.

(4) If there are two or more magistrates the Lieutenant-Governor in Council shall designate the magistrate who is to be a member of the board. 1929, c. 58, s. 4. Designating magistrate where more than one.

(5) In case of the illness or absence of the judge, the acting judge appointed under the provisions of *The County Courts Act* shall act in his stead. Illness or absence of judge. Rev. Stat. c. 103.

(6) If the magistrate is absent from Ontario, the deputy magistrate shall act in his stead during his absence. Absence of magistrate.

Vacancy in  
office of  
judge or  
magistrate.

(7) If the office of judge or that of magistrate is vacant, the council shall fill the vacancy on the board by appointing a resident of the municipality to act during the vacancy.

Illness or  
absence of  
mayor.

(8) In case of the illness or absence from Ontario of the mayor, or of the office being vacant, the person appointed as presiding officer of the council shall act instead of the mayor.

Remunera-  
tion of  
judge, etc.

(9) The council of a city may provide for the payment of a reasonable remuneration for his services as a member of the board to the judge or the magistrate, or to any person appointed to fill the vacancy while the office of judge or magistrate is vacant.

Repeal of  
by-law con-  
stituting  
board.

(10) The by-law of the council of a town may at any time be repealed, and, if repealed, the board shall, on the 1st day of January next after the passing of the repealing by-law, be dissolved. R.S.O. 1927, c. 233, s. 358 (49).

Constitution  
of board  
in county.

**365.**—(1) The council of every county having a magistrate may by by-law constitute a board of commissioners of police, consisting of the warden, a judge of the county court and a magistrate.

Where there  
are two or  
more magis-  
trates or  
judges.

(2) If there are two or more judges for the county or two or more magistrates, the Lieutenant-Governor in Council shall designate which judge or magistrate is to be a member of the board.

Filling  
vacancies.

(3) If any person named as a member of the board is ill or absent from Ontario, or if the office is vacant, the council may fill the vacancy on the board by appointing a resident of the municipality to act during the vacancy.

Repeal of  
by-law.

(4) The by-law may at any time be repealed, and if repealed the board shall on the 1st day of January next after the passing of the repealing by-law be dissolved. R.S.O. 1927, c. 233, s. 359.

Chairman.

**366.**—(1) The board shall, in each year, at its first meeting held after the mayor has made the declarations of office and qualification, elect a chairman.

Quorum.

(2) A majority of the members of the board shall constitute a quorum.

Meetings  
public.

(3) The meetings of the board shall be open to the public, unless otherwise directed by the board. R.S.O. 1927, c. 233, s. 360.

**367.**—(1) A by-law of the board shall be sufficiently authenticated, if signed by its chairman or acting chairman, and a by-law purporting to be so signed shall be received in evidence in all courts, without proof of the signature. How by-law of board authenticated and proved.

(2) A copy of a by-law purporting to be certified by a member of the board to be a true copy, shall be received in evidence in all courts, without proof of the signature. R.S.O. 1927, c. 233, s. 361. Admissible.

**368.** The board shall have the same power to summon and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their attendance, and to compel them to give evidence, as is vested in any court of law in civil cases. R.S.O. 1927, c. 233, s. 362. Board may examine witnesses on oath.

**369.** It shall be the duty of every person served with a notice to attend before the board, signed by a member of it, to attend pursuant to the notice, and the notice shall have the same effect as a subpoena. R.S.O. 1927, c. 233, s. 363. Force of notice to attend before board.

**370.** The police force in cities and in towns having a board of commissioners of police shall consist of a chief constable and as many constables and other officers and assistants as the council may deem necessary, but, in cities, not less than the board reports to be absolutely required. R.S.O. 1927, c. 233, s. 364. Police force in cities and towns.

**371.** The members of the police force shall be appointed by and hold office during the pleasure of the board, and shall take and subscribe an oath similar to that set out in section 17 of *The Constables Act*. R.S.O. 1927, c. 233, s. 365. Appointment of members of police force.  
Rev. Stat. c. 140.

**372.** The board may make regulations for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. R.S.O. 1927, c. 233, s. 366. Board to make regulations.

**373.** The members of the police force shall be subject to the government of the board, and shall obey its lawful directions. R.S.O. 1927, c. 233, s. 367. Police officers to be subject to the board.

**374.**—(1) Where any motor vehicle, bicycle or any personal property of any kind whatsoever is in the possession of the board or a member of the police force by reason of having been stolen from its owner or by reason of having been found abandoned in any public place and the board is unable to ascertain the owner thereof, the board may cause the same to be sold or otherwise disposed of as hereinafter set forth and Sale of stolen and abandoned property in possession of police.

may retain to its own use the proceeds of such sale or disposition.

Procedure  
for sale.

(2) When such property is perishable the sale or disposition of the same may be made at any time without notice of any kind, and when such property is not perishable, the board may, after the expiration of three months, sell the same by public auction after at least ten days' notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality, and any such sale may be adjourned from time to time until the property is sold.

Rev. Stat.,  
c. 288, not  
affected.

(3) This section shall be subject to the provisions of *The Highway Traffic Act*. 1932, c. 29, s. 15.

Submission  
of estimates  
to council.

**375.**—(1) The board shall, on or before the 1st day of March in each year prepare and submit to the council for its consideration and approval, its estimates of all moneys required for the ensuing year and to pay the remuneration of the members of the police force and to provide and pay for offices, arms, accoutrements, clothing, and other things for the accommodation, use and maintenance of the force.

Indemnify-  
ing police  
officers.

(2) The council may pay any sum required for the protection, defence, or indemnification of any member of the police force, where an action or prosecution is brought against him, and costs are necessarily incurred or damages are recovered, if the board certifies that the case is a proper one for such payment or indemnity. R.S.O. 1927, c. 233, s. 368.

Aid to  
widows and  
children of  
members of  
police force  
in certain  
cases.

(3) The council may grant pecuniary aid or other assistance to the widows and children of members of the police force who are killed or die from injuries received, or from illness contracted in the discharge of their duties. 1931, c. 50, s. 21.

Constables  
in towns  
and villages.

**376.** The council of every town not having a board shall, and the council of every village may, appoint one chief constable and one or more constables. R.S.O. 1927, c. 233, s. 369.

County and  
township  
constables.

**377.** The council of a county and of a township may appoint one or more constables, and in the case of a township, the remuneration of such constable or constables may, if the council deems proper, be paid by a rate levied on any defined section or area of the township. R.S.O. 1927, c. 233, s. 370.

Powers of  
police  
officers,  
constables,  
etc.

**378.**—(1) The members of a police force, and the constables appointed under the authority of this Part shall have the same powers and privileges, be subject to the same liability,



perform the same duties, be subject to suspension in the same manner, and may act within the same limits, as a constable appointed by the court of general sessions of the peace.

(2) The provisions of subsection 1, as to suspension, shall not apply to a member of the police force of a city or town which has a board of commissioners of police. R.S.O. 1927, c. 233, s. 371. Exception.

**379.** The members of a police force, a chief constable and the constables appointed under this Part, shall be charged with the duty of preserving the peace, preventing robberies, and other crimes and offences, including offences against the by-laws of the municipality, and of apprehending offenders, and laying information before the proper tribunal, and prosecuting and aiding in the prosecution of offenders. R.S.O. 1927, c. 233, s. 372. Duties of police officers, constables, etc.

(NOTE.—*As to appointment of high constable by county, see The Constables Act, Rev. Stat., c. 140.*)

**380.** The council by which a chief constable or a constable is appointed under the authority of this Part may provide for the payment to him of such salary or remuneration as the council may determine. R.S.O. 1927, c. 233, s. 373. Salary and remuneration.

**381.** The council may agree with a salaried constable appointed either by the council or by the board of commissioners of police that he shall keep for his own use the fees of his office, or may require them to be paid to the treasurer for the use of the corporation. R.S.O. 1927, c. 233, s. 374. Fees of salaried constable.

**382.**—(1) If there is no board of commissioners of police for a town, the mayor or the magistrate may suspend from office, for any period in his discretion, the chief constable or any constable of the town, and may appoint some other person to the office during such period, and, if he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, so report to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of suspension has expired. When mayor or magistrate may suspend constable.

(2) During suspension, the officer shall not act except with the written permission of the mayor or magistrate who suspended him, or be entitled to any salary or remuneration. R.S.O. 1927, c. 233, s. 375. Incapacity of such officer to act. Salary to cease.

**383.** The board of police commissioners, if any, and if none, the council of any municipality bordering on or situated within ten miles of a city having a population of not less than Officers and constables, agreement as to services.

100,000 may by agreement with the board of police commissioners of such city provide that the services of officers and constables of the police force of such city shall be available in such municipality on such terms and conditions as may be set forth in the agreement, and when any such agreement is entered into and the services in such municipality of any of the officers or constables of the police force of such city are availed of, such officers and constables shall for all purposes have and possess and may exercise and perform in the municipality all their powers and duties as members of the police force of the municipality and with the same rights, privileges and immunities as if they had been appointed as members of the police force of such municipality, and the board of police commissioners of a city having a population not less than 100,000 shall have power to enter into agreements under the authority of this section. 1934, c. 34, s. 6.

*Court Houses, Gaols, etc.—Establishment.*

Existing  
county and  
district  
towns  
continued.

**384.** Until otherwise provided by law the existing county and district towns shall continue to be the county and district towns of the counties and districts in which they are respectively situate. R.S.O. 1927, c. 233, s. 376.

County to  
provide  
court house  
and gaol.

**385.**—(1) The corporation of every county shall provide and maintain a county court house and a county gaol.

Sufficient  
for county  
and city.

(2) The court house and the goal shall be sufficient for the purposes of every city and separated town, which forms part of the county for judicial purposes as well as for the purposes of the county.

Maintenance  
of gaol.

Rev. Stat.  
c. 388.

(3) The gaol shall be provided and maintained in conformity with the provisions of *The Gaols Act*, and to the satisfaction of the Lieutenant-Governor in Council.

Saving.

(4) Subsection 2 shall not apply to the court house if the city has a court house of its own, or to the gaol if the city has a gaol of its own. R.S.O. 1927, c. 233, s. 377.

Erection of  
court house  
or gaol by  
county or  
city.

**386.**—(1) The council of a county or of a city may pass by-laws for erecting, enlarging or improving a court house, or gaol, and shall keep the same in repair and provide the food, fuel, and other supplies required therefor. R.S.O. 1927, c. 233; s. 378 (1).

County  
acquiring  
land in city  
or separated  
town.

(2) The corporation of a county may acquire land within a city or separated town, whether such city or separated town is the county town or not, for the purpose of erecting and may erect thereon a court house, a gaol, and buildings for use as a

county hall and for offices for the county officials. R.S.O. 1927, c. 233, s. 378 (2) ; 1931, c. 50, s. 22.

**387.** The court house and the gaol of the county in which a city or separated town is situate, shall, except where the city has provided one for itself, be the court house or gaol, as the case may be, of the city or town, and the sheriff and gaoler shall receive and safely keep, until duly discharged, all persons committed to the gaol by any competent authority of the city or town. R.S.O. 1927, c. 233, s. 379.

Use of county gaols and court houses by city or separated town.

*Care of Court Houses and Gaols.*

**388.**—(1) The sheriff shall have the care of the county gaol, gaol offices and yard and gaoler's apartments and the appointment of the gaoler, gaol surgeon and other officers of the gaol.

Custody of gaols.

(2) The appointment and dismissal of the gaoler shall be subject to the approval of the Lieutenant-Governor in Council who shall fix the salaries of every gaoler and gaol officer which shall be paid by the county or city, as the case may be. 1937, c. 47, s. 21.

Appointment and dismissal of gaoler.

**389.** A gaoler or an officer of the gaol shall not demand or receive any fee, perquisite, or other payment from any prisoner. R.S.O. 1927, c. 233, s. 381.

Gaoler not to accept fees.

**390.**—(1) The county council shall have the care of the court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the gaol, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery, and furniture for the Provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last mentioned accommodation to be provided in the court house, and proper offices, together with fuel, light, stationery, and furniture, and when certified by the Attorney-General to be necessary, with typewriting machines, for all officers connected with such Provincial courts, other than the Crown attorney of the City of Toronto. (*As to Division Courts, see Rev. Stat. c. 107.*)

County council to have care of court house, etc.

(2) The council of the corporation of the City of Toronto shall provide proper offices, with fuel, light, stationery, and furniture for the Crown attorney of the City.

Provision in City of Toronto.

Liability for  
furniture.

(3) A corporation shall not be liable to pay for furniture, unless it has been ordered by the council or by some person authorized by it so to do. R.S.O. 1927, c. 233, s. 382.

Care of  
city gaol.

**391.** The care of the gaol or court house of a city shall be regulated by by-law of its council. R.S.O. 1927, c. 233, s. 383.

*Costs and Expenses of Court Houses and Gaols.*

Liability of  
cities and  
towns sep-  
arated from  
counties for  
cost of  
erection and  
maintenance  
of court  
house, etc.

**392.**—(1) A city, or a separated town shall, as part of the county for judicial purposes, so long as the county court house or gaol is also that of the city or separated town, bear and pay its just share or proportion of all charges and expenses from time to time incurred for the purposes mentioned in section 21 of *The Registry Act*, and in erecting, enlarging, improving, repairing or maintaining such court house or gaol, and of their proper lighting, cleaning, and heating; of drafting, selecting, enrolling and paying jurors; in providing the accommodation and other matters mentioned in subsection 1 of section 390, and of all other charges relating to the administration of justice, except such as the county is entitled to be repaid by the Province and except charges connected with coroners' inquests and constables' fees and disbursements.

Rev. Stat.  
c. 170.

Allowance  
to county  
for use of  
court house  
for division  
courts.

(2) The use of the court house for the sittings of a division court of a division which comprises the whole or a part of a city or separated town, may be taken into account in determining the amount to be paid by the city or town for the maintenance of the court house.

Reference  
to arbitra-  
tion in case  
of disagree-  
ment.

(3) If the council of the city or separated town and the council of the county are unable to agree as to the amount to be paid by the city or town, the same shall be determined by arbitration. R.S.O. 1927, c. 233, s. 384 (1-3).

Purchase of  
land and  
erection of  
buildings  
for municip-  
al and judi-  
cial purposes.

(4) The council of a county and of a city or separated town situate in the county may agree,—

- (a) to acquire land for the purpose of erecting thereon buildings for the joint use of the county and city or town, for municipal and judicial purposes;
- (b) for the erection, maintenance, use, management, and control of such buildings;
- (c) for fixing the amount which each corporation shall pay or contribute for such purposes;
- (d) for the subsequent disposition of such land and buildings, and of any insurance or other money that may be received in respect thereof;



and may pass all such by-laws as may from time to time be necessary for acquiring the land, and carrying out the agreement. R.S.O. 1927, c. 233, s. 384 (4); 1931, c. 50, s. 24.

(NOTE.—*As to payment of expenses of shorthand writer and interpreter, see The County Judges Act, Rev. Stat., c. 102. See also The Magistrates Act, Rev. Stat., c. 133.*

*As to payment by city or separated town of proportion of certain expenses under The Registry Act, see Rev. Stat., c. 170.)*

**393.** Where the court house, gaol or registry office was erected before the city or town ceased to be part of the county for municipal purposes the arbitrators shall take into account in determining the amount to be paid by the city or town the value of the respective interests of the county and of the city or town in such building and the extent of the use of it by them respectively. R.S.O. 1927, c. 233, s. 385.

**394.** The corporation of a county, city or separated town shall have, respectively, from time to time, insurable interests in the county court house and gaol in the proportions of the aggregate amounts which they shall have contributed, respectively, to the costs, charges and expenses of erecting, enlarging, improving and repairing said buildings, and in the contents and furniture of the county court house and gaol in the proportions of the aggregate amounts which they shall have contributed, respectively, to the costs, charges and expenses of providing said contents and furniture. R.S.O. 1927, c. 233, s. 386.

**395.** Where a city is required to contribute towards the cost of building a court house or gaol not commenced before the 5th day of March, 1880, the city shall not be bound to pay for any part of the expenditure thereafter incurred in respect thereto unless the same has been concurred in by the council of the city, or in case of dispute has been determined by arbitration according to the provisions of this Act, and the council of the city shall have a voice in the selection of the site of the court house or gaol. R.S.O. 1927, c. 233, s. 387.

**396.** The site of the court house or gaol shall be determined by arbitration, unless the councils of the county and city agree as to the site. R.S.O. 1927, c. 233, s. 388.

**397.**—(1) A city which uses the county court house or gaol, and a separated town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or determined by arbitration.

Matters to be considered in determining compensation.

(2) In determining the compensation to be paid for the care and maintenance of prisoners, the arbitrators shall, so far as they deem the same just and reasonable, take into consideration the original cost of the site and erection of the gaol and gaol buildings and of repairs and insurance, so far as they have been borne by one or other of the municipalities, and the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith. R.S.O. 1927, c. 233, s. 389.

Settlement of amount payable by city or town when court house and gaol built at expense of county.

**398.** Where in any city or town the court house and gaol of the county have been erected at the expense of the county after the separation for municipal purposes of such city or town from the county, and before the 29th day of March, 1873, and such city or town has not erected a separate court house and gaol, if the city or town does not agree with the county as to the amount to be paid to the county as an allowance for interest and depreciation upon the capital cost of the erection of the county court house and gaol, the arbitrators in making their award, shall take into account the relative populations of the city or town and county, respectively, and the extent to which said buildings are used by the city or town and the county jointly or severally as municipal corporations or for municipal purposes as well as the extent to which said buildings are used for the general administration of justice, and apart from and in addition to any amount payable under this Act for the use of said buildings by the city or town as a municipal corporation, or for municipal purposes, the arbitrators shall award to be paid by the city or town, a just proportion of the equivalent of annual interest and depreciation upon the capital cost incurred before said date in the erection of such buildings, which equivalent of interest and depreciation shall be computed at the rate of five and one-half per centum per annum, and the amount so awarded shall be payable by such city or town in addition to the share, proportion or compensation payable by such city or town under sections 392 and 397 of this Act. R.S.O. 1927, c. 233, s. 390.

When the amount of compensation may be reconsidered.

**399.** After five years from the time when the amount of the compensation was agreed upon or determined by arbitration, either under section 392 or after a direction by the Lieutenant-Governor in Council under the authority of this section, the Lieutenant-Governor in Council, upon the application of either corporation may direct that the existing arrangement shall cease after a day to be named and that the compensation to be paid from that day shall be settled by agreement or be determined by arbitration. R.S.O. 1927, c. 233, s. 391.

**400.**—(1) The council of every local municipality may establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment therein for not more than ten days, and of persons detained for examination on a charge of having committed any offence, or for transfer to any common gaol for trial, or in the execution of any sentence; and such persons may be lawfully received and so detained in the lock-up.

(2) Two or more local municipalities may unite in establishing, maintaining and regulating a lock-up house, and such lock-up house shall be deemed to be the lock-up house of each of them.

(3) Every lock-up house shall be placed in the charge of a constable appointed for that purpose.

(4) The council may provide for and pay the salary or other remuneration of the constable in charge of a lock-up. R.S.O. 1927, c. 233, s. 392.

**401.**—(1) If a county town has not a lock-up house, approved by an inspector appointed under *The Public Institutions Inspection Act*, the county gaol may be used for the purposes of a lock-up house, and if so used, the corporation of the county town shall pay yearly to the county treasurer for the use of the county a reasonable sum for the use of the gaol as a lock-up house, and for the expenses incurred by such use, and, in case of disagreement, the amount to be paid to the county shall be determined by arbitration. R.S.O. 1927, c. 233, s. 393 (1); 1931, c. 50, s. 25.

(2) This section shall not apply to cities or separated towns.

**402.** The cost of conveying a prisoner to, and of keeping him in a lock-up house, shall be defrayed in the same manner as the expense of conveying a prisoner to and keeping him in a common gaol of the county.

### *Institutions for Alcoholic Habituates.*

**403.**—(1) The council of a city having a population of not less than 50,000 may,—

- (a) establish, erect and maintain within the city an institution for the reclamation and cure of habitual drunkards;

(b) provide that the mayor, magistrate, or any justice of the peace having jurisdiction in the municipality, may send or commit to such institution an habitual drunkard, with or without hard labour.

Rev. Stat.  
c. 394.

(2) Sections 61 to 69 of *The Private Sanitaria Act* shall apply to such institution. R.S.O. 1927, c. 233, s. 395.

## PART XIX.

### **404. By-laws may be passed by the councils of all municipalities:**

#### *Amateur Athletic and Aquatic Sports.*

Sports.

1. For aiding amateur athletic or aquatic sports.

#### *Bands of Music.*

Bands of  
music.

2. For aiding the establishment or maintenance of bands of music by any corps of active militia within the county, or any other bands of music.

#### *Bathing Houses.*

Public bath-  
ing houses.

3. For establishing and maintaining, or for granting money to aid in the construction of public bathing houses.

#### *Census.*

Local  
census.

4. For taking a census of the inhabitants.

#### *Charitable Institutions, Etc.*

Aid to  
charities.

5. For granting aid to any charitable institution or out-of-door relief to the resident poor.

#### *Crimes—Discovery of.*

Rewards  
for apprehension of  
criminals.

R.S.C. c. 53.  
Rev. Stat.  
c. 8.

6. For offering and paying rewards for the discovery, apprehension and conviction of persons who have or are believed or suspected to have committed flagrant crimes or to have contravened clause *g* of section 151 or to have been guilty of personation as defined by *The Dominion Election Act* or by *The Election Act* within the municipality.



*Drainage.*

7. For constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up drains, sewers or water-courses; providing an outlet for a sewer or establishing works or basins for the interception or purification of sewage; making all necessary connections therewith, and acquiring land in or adjacent to the municipality for any of such purposes.

Construction of drains, sewers, sewage disposal works, etc.

8. For entering into an agreement with the corporation of any adjoining municipality for the use or interchange of any sewers, sewerage systems or works for the disposal, interception or purification of sewage and for making all necessary connections and acquiring land in or adjacent to the municipality for any of such purposes, and for providing for the payment by one municipality to the other, annually or otherwise, of such sums as may be agreed upon as compensation for any such interchange or use.

Agreement with adjoining municipality as to sewers and sewerage systems.

*Driving or Riding on Roads and Bridges.*

9. For regulating the driving of horses or cattle and the riding of horses on highways and bridges.

Regulating driving on roads and bridges.

10. For prohibiting racing, immoderate or dangerous driving or riding on highways or bridges. R.S.O. 1927, c. 233, s. 396, pars. 1-10.

Prohibiting racing on highways.

(NOTE.—See section 422 par. 3, as to setting apart streets in cities of 50,000 population for fast driving.)

*Electors—Submitting Questions to.*

11. For submitting to the vote of the electors any municipal question not specifically authorized by law to be submitted.

Submission of questions of general policy to electors.

- (a) A question as to securing a supply of electrical power or energy from The Hydro-Electric Power Commission of Ontario shall be submitted to the electors qualified to vote on money by-laws. R.S.O. 1927, c. 233, s. 396, par. 11; 1929, c. 58, s. 5 (1).

*Exhibitions.*

12. For acquiring land within or without the municipality as a place for holding agricultural, horticultural or industrial exhibitions and for erecting and maintaining buildings thereon for that purpose and for the management of the same.

Acquiring land for agricultural exhibitions, etc.

Power to  
lease.

13. For leasing for any period not exceeding three years from the making of the lease, any part of the land acquired under paragraph 12, which is not immediately required for the purposes for which it was acquired.

*Fat Stock and Other Shows and Exhibitions.*

Aid to fat  
or live stock  
shows.

14. For granting or lending money or granting land in aid of any association, for the holding of a fat stock or live stock show or exhibition or any exhibition for the promotion or improvement of farming in any of its branches or departments.

*Ferry Boats and Ferries.*

Grants to  
ferries.

15. For making an annual grant towards the maintenance and operation of ferry boats or other appliances used at any ferry over a stream or other water separating a part of the municipality from another part of it, or separating it from another municipality in Ontario.

*Fire Brigade—Agreements.*

Agreement  
between  
municipalities for  
fire protection.

16. For entering into an agreement with the council of any other municipality within the county for the use by one or more municipalities within the county of the fire brigade of another municipality within the county, upon such terms and conditions and for such remuneration as may be agreed upon between such municipalities.

*Flooding—Prevention of.*

Works for  
prevention  
of damage  
by flooding.

17. For the purpose of preventing damage to any highway or bridge or to any property within the municipality by floods arising from the overflowing or damming back of a river, stream or creek flowing through or in the neighbourhood of the municipality, for acquiring land in the municipality or in any adjoining or neighbouring municipality, and for constructing such works as may be deemed necessary for that purpose, and for deepening, widening, straightening, or otherwise improving such river, stream or creek in the land so acquired, or removing from it islands, rocks or other natural obstructions to the free flow of the water.

*Free Libraries.*

Public  
libraries.

18. For granting money or land in aid of any public library established under any Act in the municipality or in an adjacent municipality.

*Harbours, Wharves, Beacons, etc.*

19. For granting aid for the construction of harbours, wharves, docks, slips and beacons on any river, lake, or navigable water passing in, through, or forming any part of the boundary of the county, on such terms and conditions as to security and otherwise as may be deemed expedient.

20. For making, improving and maintaining public wharves, docks and slips, and for preserving shores, bays, harbours, rivers or waters and the banks thereof.

21. For regulating harbours.

Regulating harbours.

22. For prohibiting the injuring, fouling, filling up or incumbering of a public wharf, dock, slip, drain, sewer, water or suction pipe, shore, bay, harbour, river or water.

Injuring, filling up, etc., of harbours, wharves.

23. For erecting and maintaining beacons.

Beacons.

24. For erecting, maintaining, operating and renting grain elevators, wharves, piers and docks in harbours, and floating elevators, derricks, cranes and other machinery for loading, discharging or repairing vessels.

Erecting docks, elevators, etc.

25. For regulating vessels, crafts and rafts arriving in a harbour, and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master.

Vessels, etc. Harbour dues.

26. For requiring the owner or occupant of the land in connection with which the same exist, to remove door-steps, porches, railings, or other erections or obstructions projecting into or over any public wharf, dock, slip, shore, bay, harbour, river or water.

Removal of door-steps, railings, projecting over wharf, dock, etc.

*Harbours, Wharves, Waters, etc.—Removal of Obstructions from.*

27. For requiring and regulating the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels, barges, crafts, cribs, rafts, logs or other obstructions or incumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same.

Removal of sunken vessels, etc., from harbours, etc.

*Hospitals, etc.*

28. For granting aid to any incorporated society or any association of individuals for the erection, establishment, maintenance or equipment of public hospitals in any municipality

Aiding erection, etc., of hospitals.

for the treatment of persons suffering from disease or from injuries.

*Indigent Persons—Aid of.*

Aiding  
indigent  
persons.

29. For aiding in maintaining any indigent inhabitant, or person found in the municipality, at a house of refuge, hospital or institution for the mentally ill, deaf and dumb or blind, or other public institution of a like character.

Power  
to take  
security for  
advances  
made to per-  
sons by way  
of charity.

(a) Where money is advanced by way of charity or relief to or expended for the benefit of a person who, although in destitute circumstances, is the owner of or interested in land the retention of which is necessary for a dwelling for him, the corporation may take a conveyance of or a security on such land for the amount advanced or expended, and on the death of such person, or the surrender of the land by him to the corporation, the corporation may sell or dispose of the land and apply the proceeds in payment of the amount so advanced or expended, with interest thereon at the rate of six per centum per annum, and the costs of the sale and the residue of such proceeds, if any, shall be paid to the executors, administrators or assigns of such person on demand.

*War Memorials and Patriotic Objects.*

Memorial  
windows,  
tablets, etc.

30. For erecting and placing memorial windows, monuments and tablets in commemoration of officers and men of the municipality who were on active service during the late war with the naval or military forces of Great Britain or her allies.

Issue of  
debentures.

(a) The municipal corporation may borrow money for said purpose by the issue of debentures payable in not more than ten years from the date of issue, and may levy a special rate in each year on all the rateable property in the municipality sufficient to pay the instalments of principal and the interest falling due in respect of the debentures or to pay the interest and provide for a sinking fund to retire the debentures at their maturity.

Assent of  
electors not  
required.

(b) It shall not be necessary to obtain the assent of the electors to any by-law passed under the authority of this section or to observe the formalities in relation thereto prescribed by this Act in respect of other money by-laws.



- (c) Any such monument may with the approval of the Municipal Board, on application by the corporation, be erected in any highway not less than sixty-six feet in width and over which the corporation has jurisdiction. R.S.O. 1927, c. 233, s. 396, pars. 12-30. Erection of monument in highway.

31. For the establishment of or for granting aid to the establishment of air harbours or landing grounds in compliance with the "Air Regulations, 1920," as issued by the Air Board of the Dominion of Canada and such other regulations as may be issued from time to time by the said Air Board, and for granting aid for aeronautical research work and for the development and general advancement of the science of aeronautics and the use of air craft; and the councils of any two or more municipalities may enter into an agreement for the establishment of an air harbour and the joint exercise of all the powers and rights contained in this paragraph upon such terms as may be agreed and may entrust the control and management of any air harbour or landing ground so established to a commission appointed by such councils pursuant to agreement. Establishment of air harbours and landing grounds.

- (a) For the purposes of this paragraph, the council of a local municipality may acquire land in the municipality or in an adjacent or an adjoining municipality. R.S.O. 1927, c. 233, s. 396, par. 31; 1929, c. 58, s. 5 (2); 1930, c. 44, s. 14.

32. For granting aid to any patriotic organization. Aid to patriotic organizations.

33. For aiding any regularly organized rifle association or any association or corporation having for its object or one of its objects the promotion of military art, science or literature. Aid to rifle associations and militia.

34. For adding to the sum paid, during the period of annual or other authorized drill or when on active service, to any enlisted member of any corps of active militia organized within the municipality. Remuneration.

35. For providing military outfit or equipment for the members of such corps. Equipment.

#### *War Memorials and Exemptions.*

36. For erecting, establishing, equipping and maintaining, or for granting aid for the erection, establishment, equipment and maintenance of a memorial home or club-house for nursing sisters, officers and men who were on active service during the late war with the naval or military forces of Great Britain or her Allies, or of a monument, building or structure or a park in commemoration of officers and men who died while on such active service. Memorial homes, club houses, etc., for soldiers.

## Agreements.

- (a) The councils of any two or more municipalities may enter into an agreement for carrying out any of the purposes of this paragraph in any one of them.

Exemption  
from  
taxation.

37. For exempting from taxation, except for local improvement and school purposes, for a period not exceeding ten years any memorial home or club-house for nursing sisters, officers and men who were on active service during the late war with the naval, military or air forces of Great Britain and her Allies and the lands used in connection therewith or any athletic grounds owned by or vested in trustees on behalf of any organization or association of such nursing sisters, officers and men; provided that such buildings and lands shall be exempt only while actually used and occupied for the purposes of a memorial home, club-house or athletic grounds.

Allowances  
to widows,  
children,  
etc., of  
deceased  
soldiers.

38. For granting aid to any fund established for providing allowances to widows, children, widowed mothers, parents, persons acting *in loco parentis* or dependents of nursing sisters, officers and men who resided in the municipality for six months prior to enlistment and who died while on active service during the late war with the naval or military forces of Great Britain or her Allies.

Grants to  
soldiers.

39. For making grants to nursing sisters, officers and men who were on such active service and who resided in the municipality for six months prior to enlistment.

*Municipal Officers.*Appointing  
certain  
officers.

40. For appointing such officers and servants as may be necessary for the purposes of the corporation, or for carrying into effect the provisions of any Act of this Legislature or by-law of the council.

Fixing  
remunera-  
tion, duties  
and security  
of.

41. For fixing their remuneration and prescribing their duties, and the security to be given for the performance of them.

*Ontario Municipal Union.*Membership  
in union of  
municipali-  
ties.

42. For the corporation becoming a member of any union of Ontario municipalities for furthering the interests of municipalities and paying the fees for such membership and making contributions for the expenses of the union, and paying the expenses of delegates to any meeting of it or upon its business. R.S.O. 1927, c. 233, s. 396, pars. 32-42.

43. For any corporation officers becoming members of any municipal union or association for extending and improving the technical skill of such municipal officers in the discharge of their municipal duties, and for paying the fees for such membership, and for paying the expenses of such officers attending any meeting of such union or association or upon its business. 1929, c. 58, s. 6.

Officers becoming members of association for improving technical knowledge.

*Canadian Deep Waterways Association.*

44. For the corporation becoming a member of the Canadian Deep Waterways and Power Association and paying the fees for such membership and for making contributions towards the expenses of such association and paying the expenses of delegates to any meeting of it or upon its business.

Membership in Canadian Deep Waterways and Power Association.

*Ontario Safety League.*

45. For making contributions towards the expenses incurred by the Ontario Safety League in carrying out the purposes for which it was organized.

Grants to Ontario Safety League.

*Public Parks and Drives.*

46. For acquiring land for and establishing and laying out public parks, squares, avenues, boulevards and drives in the municipality or in any adjoining local municipality, and where there is no board of park management for exercising all or any of the powers which are by *The Public Parks Act* conferred on boards of park management.

Acquiring land for parks, etc.

Rev. Stat. c. 285.

(a) A corporation which expropriates land in another municipality, under the powers conferred by this paragraph shall put the land in an efficient state to be used, and open the same to the general public, for the purpose for which it was acquired within a reasonable time after such expropriation, and shall maintain and keep the same in an efficient state of repair and shall provide police protection therefor.

Where land expropriated is in an adjoining municipality.

47. For accepting and taking charge of land, within or without the municipality, dedicated as a public park for the use of the inhabitants of the municipality.

Accepting land dedicated.

*Sidewalks, etc.—Vehicles On.*

48. For prohibiting carriages, wagons, bicycles, sleighs and other vehicles and conveyances of every description, and whatever the motive power, or any particular kind or class of such

Prohibiting vehicles on sidewalks, etc.

vehicles or conveyances being upon, or being used, drawn, hauled or propelled along or upon any sidewalk, pathway or footpath, used by or set apart for the use of pedestrians, and forming part of any highway or bridge, boulevard or other means of public communication, or being in or upon any highway, boulevard, park, park-lot, garden or other place set apart for ornament or embellishment or for public recreation.

*Victorian Order of Nurses.*

Aid to Victorian Order of Nurses.

49. For granting aid to the Victorian Order of Nurses.

*Water for Fire Purposes.*

Contracts for supply of water.

50. For contracting for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable, and for renting hydrants for any number of years not, in the first instance, exceeding ten, and for renewing the contract from time to time for periods not exceeding ten years, as the council may deem proper, or for purchasing or erecting hydrants necessary for any of such purposes.

*Watering Streets.*

Contracts with street railway companies for street watering.

51. For contracting with a street railway company for watering any of the highways for any number of years, not exceeding five, and for renewing such contract from time to time for a period not exceeding five years. R.S.O. 1927, c. 233, s. 396, pars. 43-50.

**405. By-laws may be passed by the councils of local municipalities:**

*Assessments of Factories, etc.—At Fixed Sums.*

Fixed assessment.

1. For fixing the assessment of the property of any person carrying on or proposing to carry on within the municipality any manufacturing business including iron works, rolling mills, works for refining or smelting ores, grain elevators, a beet sugar factory and a tobacco drier, or the land and business of a cold storage plant to which aid by way of loan or grant has been or is being given by the Governments of Canada and Ontario or either of them on such terms and conditions as the council may deem proper.



- (a) The fixed assessment shall not be for a longer period <sup>Term of.</sup> than ten years, shall not be renewable and shall not apply to or affect taxation for school purposes or local improvements.
- (b) The by-law shall not be passed except with the affirmative vote of three-fourths of all the members of the council and the assent of two-thirds of the electors <sup>Assent of electors, etc.</sup> qualified to vote on money by-laws who vote on the by-law.
- (c) No person to whom, and no person who is interested <sup>Who not to vote on by-law.</sup> in or holds shares in a company, and no nominee of a corporation to which a fixed assessment is to be granted shall be entitled to vote on the by-law.
- (d) No by-law shall be passed granting a fixed assessment <sup>When fixed assessment not to be granted.</sup> in respect of a branch of industry of a similar nature to one established in the municipality unless the person by whom it is carried on consents in writing to the granting of the fixed assessment.
- (e) No by-law shall be passed granting a fixed assessment <sup>Fixed assessment not to be granted to industry established elsewhere.</sup> in respect of a business established elsewhere in Ontario or which has been removed to the municipality from another municipality in Ontario whether the business is to be carried on by the same person or by a person deriving title or claiming through or under him or otherwise or by such person in partnership with another person or by a joint stock company or otherwise. R.S.O. 1927, c. 233, s. 397, par. 1; 1935, c. 43, s. 5.

*Bathing in Public Waters.*

2. For prohibiting or regulating the bathing or washing of <sup>Bathing.</sup> the person in any public water in or near the municipality.

*Closet Accommodation for Workmen.*

3. For requiring the owners, contractors or master workmen <sup>Conveniences to be provided by builders.</sup> engaged in the erection or construction of buildings or public works to provide for the use of the workmen employed in such erection or construction, closet accommodation, to be approved of by the medical health officer, in connection with them.

*Coal Dealers—Taking of Orders by.*

4. For requiring every dealer in coal who takes orders for <sup>Fixing time for delivery of goods.</sup> coal for future delivery, and accepts payment in full or on

account of such order, to deliver to the purchaser the coal so ordered within the time or times fixed by the by-law.

*Cows and Other Animals—Keeping Of.*

Keeping  
of cows  
and other  
animals.

5. For regulating the keeping of cows, goats, swine and other animals.

Idem.

6. For prohibiting the keeping of cows, goats, swine or other animals, except horses or mules, within the municipality or within defined areas of it.

*Contagious Diseases.*

Contagious  
diseases.

7. For providing blank forms for recording and reporting cases of contagious or infectious diseases; for placarding houses wherein such cases exist, and for taking such measures as may be deemed necessary for preventing the spread of such diseases.

*Electors, Disqualifying Of.*

Disqualify-  
ing electors  
in arrear  
for taxes.

8. For disqualifying from voting an elector whose taxes on land on the day fixed for nomination at the annual election are overdue and unpaid.

*Drainage of Cellars, Privy Vaults, Etc.*

Construction  
of cellars,  
drains, etc.

9. For regulating the construction of cellars, sinks, cesspools, water closets, earth closets, privies and privy vaults; for requiring and regulating the manner of the draining, cleaning and clearing and disposing of the contents of them.

Dry earth  
closets.

10. For requiring the use within the municipality or a defined area of it of dry earth closets.

Expenses  
of cleaning  
closets, etc.

11. For providing that the cleaning and disposing of the contents of cesspools, water closets, earth closets, privies and privy vaults shall be done exclusively by the corporation.

Powers.

(a) For such purpose the corporation, its officers and servants shall have all the powers of the local board of health and its officers and servants.

Fixed or  
graded  
fees.

(b) The council may provide for the expense incurred in such work by imposing in the by-law authorizing the work or in a separate by-law a fixed fee or graded fees varying according to the different kind of

premises served, the time involved in service and such other matters as the council may consider applicable, and such fees shall be rated and assessed against the lands in respect of which such services are rendered in the collector's roll of the municipality and collected and recovered in like manner as municipal taxes.

- (c) The council may provide that the collection, removal and disposal by the corporation of the contents of earth closets or other sanitary closets throughout the whole municipality, or in defined areas of it shall be done at the expense of the owners or occupants of the land therein, and for that purpose may impose upon such land a special rate according to its assessed value which shall be collected and recovered in like manner as municipal taxes.

Special rate according to assessed value.

12. For requiring and regulating the filling up, draining, cleaning, clearing of any grounds, yards and vacant lots and the altering, relaying or repairing of private drains.

Filling up, draining, etc., grounds, yards, etc.

13. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes.

Regulations for sewerage, etc.

(NOTE.—See provisions of *The Public Health Act upon this subject.*)

### *Egress from Buildings.*

14. For regulating, subject to the provisions of *The Egress from Public Buildings Act, The Theatres and Cinematographs Act, and The Factory, Shop and Office Building Act,—*

Doors of public buildings. Rev. Stat. cc. 318, 319, 194.

- (a) the size and number of doors, aisles, halls and stairs in and other means of egress from hospitals, schools, colleges, churches, theatres, halls, or other buildings used as places of worship, or of public resort, or amusement, or for public meetings, and the street gates leading to them;
- (b) the construction and width of stairways in such buildings, and in factories, warehouses, hotels, boarding and lodging houses;
- (c) the materials of which and the manner in which stairs and stair-railings shall be constructed, and the strength of walls, beams and joists and their supports in all such buildings; and
- (d) for requiring the production of the plans of the buildings mentioned in this paragraph now erected or

which it is proposed to erect, and for prohibiting the use or erection of them until the provisions of the by-law are complied with to the satisfaction of the architect of the corporation or an officer appointed for the purpose.

Obstruction  
of halls,  
aisles, etc.

15. For prohibiting and preventing the obstruction by persons or things of the halls, aisles, passage-ways, alleys or approaches in or leading to any such building during the occupation of it by a public assemblage.

Powers of  
police  
officers as to  
seeing that  
by-laws  
enforced.

(a) While any building mentioned in clause *a* of paragraph 14 in a city or town is occupied by a public assemblage, the chief constable or any constable of the city or town may enter it to see that the by-law is not being violated, and may require the removal of any obstruction or of any person standing, sitting, or otherwise occupying any hall, aisle, passage-way, alley or approach, except for passing to and fro.

*Explosives—Keeping, Manufacturing and Storing of.*

Regulating,  
storing and  
transporta-  
tion of  
explosives.

16. For regulating the keeping, storing and transporting of,—

- (a) dynamite, dualine, nitro-glycerine, or gunpowder ;
- (b) petroleum, gasoline or naphtha ; and
- (c) other dangerous or combustible, inflammable or explosive substances.

Fees for  
support of  
magazines.

17. For regulating and providing for the support by fees of magazines belonging to private persons for the storage of the substances mentioned in clause *a* of paragraph 16, and for requiring them to be stored in such magazines.

Erecting  
and main-  
taining  
magazines.

18. For erecting and maintaining within or without the limits of the municipality magazines for the storage of the substances mentioned in clause *a* of paragraph 16, and for acquiring the land necessary for that purpose, and for requiring such substances to be stored in such magazines.

Limiting  
quantity to  
be kept.

19. For limiting the quantity of the substances mentioned in clause *a* of paragraph 16, which may be kept in any place other than such a magazine, and for regulating the manner in which the same are to be kept or stored.

Prohibiting  
manufac-  
ture of  
explosives.

20. For prohibiting or regulating the establishment within the municipality of factories or other places for the manufacture or storage of any of the substances mentioned in clause *a* of paragraph 16.



21. For requiring the submission of plans of the premises including the buildings upon or in which it is proposed that such manufacture or storage shall take place, and the approval of them by the council before the manufacture or storing is commenced.

Submission  
of plans of  
premises.

22. For requiring such buildings to be surrounded by walls or fences and for regulating the height and description of such walls or fences and their distance from such buildings, and also the distance from any other building, at which such manufacture or storage may be carried on.

Height and  
description  
of fences  
around  
buildings.

23. For regulating the carrying on of the business of manufacturing or storing such substances, whether the business has been heretofore or shall be hereafter established, and prescribing the precautions to be taken for the prevention of fires and accidents from the combustion or explosion of such substances.

Regulating  
business of  
manufacturing  
explosives.

24. For granting licenses for the carrying on of the business of manufacturing the substances mentioned in paragraph 16 or for storing them in quantities of more than twenty-five pounds, and prescribing the time, not exceeding five years, during which the licenses shall remain in force, provided that the license fee shall not exceed \$25 a month for every month in which such business shall be carried on.

Licenses  
for carrying  
on business.

25. For prohibiting or regulating the keeping or storing of gasoline or benzine, and prescribing the materials of which the vessels containing it shall be composed, and the classes of buildings in which it may be stored, or kept for sale, and for making regulations for the prevention of fires and accidents from the combustion or explosion of such substances.

Prohibiting,  
etc., storing,  
of gasoline,  
etc.

#### *Fences.*

26. For prescribing the height and description of lawful fences.

Height and  
kind of  
fence.

27. For prescribing the height and description of, and the manner of maintaining, keeping up and laying down fences along highways or parts thereof, and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down any such fence.

Along  
highways.

28. For determining how the cost of division fences shall be apportioned, and for providing that any amount so apportioned shall be recoverable under *The Summary Convictions Act*, provided that until a by-law is passed, *The Line Fences Act* shall apply.

Division  
fences,  
apportion-  
ment of cost.  
Rev. Stat.  
cc. 136, 349.

29. For requiring proper and sufficient protection against injury to persons or animals by fences constructed wholly or

Barbed wire  
fences.

partly of barbed wire or any other barbed material to be provided by the owner of the land, and in towns and cities for prohibiting the erection along the highways of fences made wholly or partly of barbed wire or any other barbed material.

Water gates. 30. For requiring the owners of land to erect and maintain a water gate where a fence crosses an open drain or water-course.

*Fire—Prevention of Accidents by.*

Providing  
against  
accidents  
by fire.

31. For securing against accident by fire the inmates and employees and others in factories, hotels, boarding-houses, lodging-houses, warehouses, theatres, music halls, opera houses and other buildings used as places of public resort or amusement.

*Fire Escapes.*

Compelling  
use of fire  
escapes.

32. Subject to the provisions of any other Act requiring fire escapes, for compelling the owners and occupants of buildings more than two storeys in height, except private dwellings, to provide proper fire escapes therefor in such places, of such pattern and mode of construction as may be deemed proper, and for prohibiting the occupation of any such buildings unless or until such fire escapes are provided.

*Fires in Open Air.*

Prescribing  
times for  
setting fires  
and pre-  
cautions.

33. For prescribing the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires.

*Firearms and Fireworks.*

Discharge  
of firearms,  
fireworks,  
etc.

34. For prohibiting or regulating the discharge of guns or other firearms, and the firing and setting off of fireballs, squibs, crackers or fireworks.

*Food.*

Regulating  
the delivery  
or exposure  
for sale of  
meat, etc.

35. For regulating the delivery and exposure for sale upon a highway or in a market or public place of meat, poultry, game, flesh, fish or fruit, or the carcass of any animal.

Inspection  
of milk and  
provisions.

36. For appointing inspectors, and for providing for the inspection of meat, poultry, fish and natural products offered

for sale for human food, whether on the streets or in public places, or in shops.

37. For authorizing the seizing and destroying of tainted and unwholesome articles of food. Seizing tainted food.

*Food and Fuel.*

38. With the approval of the Municipal Board and within the limitations and restrictions and under the conditions prescribed by order of the Board: Power to buy and sell fuel and food.

- i. For buying and storing fuel and such articles of food as may be designated by order of the Board and for selling the same to dealers and residents of the municipality;
- ii. For acquiring land, erecting buildings, establishing, conducting and maintaining depots, stores, warehouses and yards and purchasing machinery, plant, appliances and equipment necessary for such purposes;
- iii. For appointing officers, clerks and servants to manage and conduct such businesses;
- iv. For making rules and regulations and doing all such other acts and things as may be necessary for the full and proper carrying out of such powers;
- v. For borrowing from time to time by the issue of debentures payable in not more than ten years from the date of issue the money necessary for such purposes.
  - (a) The by-law need not be assented to by the electors, but shall require a vote of two-thirds of all the members of the council.
  - (b) After the by-law has been approved by the Municipal Board it shall also be approved by the Lieutenant-Governor in Council and may then be finally passed by the council.

*Gas Works, Tanneries, Distilleries, etc.*

39. For prohibiting or regulating the erection or continuance of gas works, tanneries, or distilleries or other manufactories or trades which, in the opinion of the council, may prove to be or may cause nuisances. Gas works, distilleries, etc.

*Hoists, Scaffolds, etc.*

Construction  
of hoists,  
scaffolding,  
etc.

40. For regulating and inspecting the construction and erection of hoists, scaffolding and other apparatus and appliances used in erecting, repairing, altering or improving buildings, chimneys, or other structures, and for making regulations for the protection and safety of workmen and others employed thereon; and for appointing inspectors of scaffolding.

(NOTE.—*As to appointment of inspectors under The Building Trades Protection Act, and as to additional scaffold regulations, see Rev. Stat. c. 195.*)

*Manufactures and Trades.*

Noxious  
manufac-  
tures and  
trades.

41. For regulating manufactures and trades which in the opinion of the council may prove to be or may cause nuisances.

*Noises.*

Ringling of  
bells, etc.

42. For prohibiting or regulating the ringing of bells, the blowing of horns, shouting and unusual noises, or noises calculated to disturb the inhabitants.

*Nuisances.*

Nuisances.

43. For prohibiting and abating public nuisances.

Hauling  
dead horses,  
etc., through  
the streets  
in daylight.

44. For prohibiting the hauling of dead horses, offal, night soil or any other offensive matter or thing along any highway during the hours of daylight.

*Placards, etc.—Indecent.*

Indecent  
placards,  
etc.

45. For prohibiting the posting or exhibition of placards, play bills, posters, writings or pictures or the writing of words, or the making of pictures or drawings, which are indecent or may tend to corrupt or demoralize, on any wall or fence or elsewhere on a highway or in a public place.

*Poles, Pipes, Wires, Conduits, etc.*

Laying of  
poles, wires,  
pipes or  
conduits on  
street.

Rev. Stat.  
c. 277.

46. For regulating and, subject to *The Municipal Franchises Act*, and on such terms and conditions as the council may deem expedient, for authorizing the erection and maintenance of electric light, power, telegraph and telephone poles and wires and poles and wires for the transmission of electricity across or



along any highway or public place, or permitting any person supplying electricity for light, heat or power, to lay down pipes or conduits for enclosing wires for the transmission of electricity under any highway or public place, provided that a by-law shall not be passed under this paragraph in violation of any agreement of the corporation.

47. Subject to *The Power Commission Act* for constructing or laying down pipes or conduits for enclosing wires for the transmission of electricity under, or for erecting towers or poles for the support of wires for such purpose across or along any highway or public place, and for entering into agreements with electric light or power, telegraph or telephone companies for the use by them of such pipes, conduits or poles, for such consideration and on such terms and conditions as may be agreed upon.

Laying  
pipes or  
conduits for  
electric  
wires.  
Rev. Stat.  
c. 62.

#### *Pounds, etc.*

48. For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound. R.S.O. 1927, c. 233, s. 397, pars. 2-48.

Providing  
pounds.

49. For prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways therein the running at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time, or if the damages, fines and expenses are not paid according to law. R.S.O. 1927, c. 233, s. 397, par. 49; 1936, c. 39, s. 24 (1).

Animals  
running at  
large.

50. For appraising the damages to be paid by the owners of animals impounded for trespassing, contrary to law or the by-laws of the municipality.

Appraising  
the  
damages.

51. For determining the compensation to be allowed for services rendered in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainor.

Compensa-  
tion for  
impounding  
animals.

- (a) Any by-law passed by the council of any town, village or township under the provisions of paragraphs 48 to 51 shall apply to any county highway or part thereof situate within such town, village or township.

(NOTE.—For further provisions as to pounds, see *Rev. Stat. c. 337.*)

*Sewers—Extension of.*

Extension  
of sewers  
into adjoining  
municipality.

52. Where a local municipality is so situate that it is necessary, in order to procure an outlet for a sewer or to connect it with a sewage farm, to extend it into or through an adjacent municipality, for so extending it, or for extending and connecting it with any existing sewer of such adjacent municipality, upon such terms and conditions as may be agreed upon, or in case of failure to agree, as may be determined by arbitration.

Arbitrators  
to determine  
conditions  
on which  
connections  
may be  
made.

(a) Where the council of the adjacent municipality objects to allow such extension or connection, the arbitrators shall determine not only the terms and conditions upon which the extension or connection is to be made, but also the location of the sewage farm, filtering plant or artificial means of sewage disposal which is contemplated, and whether the extension or connection should be allowed to be made.

Rev. Stat.  
c. 350.

(b) Nothing in this paragraph shall authorize the making of an open drain or sewer, or affect the provisions of *The Ditches and Watercourses Act*, or limit any of the powers conferred on townships by that Act.

*Sewer Rents.*

Sewer rents.

53. For charging all persons who own or occupy land drained, or which by by-law of the council is required to be drained, into a common sewer, a reasonable rent for the use of it; for regulating the time and manner in which the rent is to be paid; for providing for the payment of a commutation of such rent or charging a gross sum in lieu of rent and for the payment of such commutation or gross sum either in cash or by instalments with interest.

(a) This paragraph shall not apply to a sewer constructed as a local improvement.

(b) All sewer rents shall form a lien and charge upon the real estate upon or in respect of which the same have been assessed and rated or charged and shall be collected in the same manner and with the like remedies as ordinary taxes on real estate are collected under the provisions of *The Assessment Act*.

Rev. Stat.  
c. 272.

*Signs, etc.*

Posters.

54. For prohibiting or regulating the erection of signs or other advertising devices, and the posting of notices on build-

ings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway.

55. For prohibiting the pulling down or defacing of signs or other advertising devices and notices lawfully affixed.

Pulling  
down of  
signs and  
notices.

### *Slaughter Houses.*

56. For prohibiting or regulating and inspecting the erection or continuance of slaughter houses, and for prohibiting the slaughter of animals intended for food, except in slaughter houses designated in the by-law, provided that in towns, villages and townships this paragraph shall not apply to the slaughter of animals for the use of the person killing them or of his family.

Prohibiting  
and regu-  
lating.

### *Snow and Ice—Removal of.*

57. For requiring the occupants of buildings adjoining a highway in the municipality or in any defined area of it to clear away and remove the snow and ice from the roofs of such buildings and from the sidewalks adjoining their premises, and for regulating the times when and the manner in which the same shall be done.

Clearing  
away snow  
and ice  
from roofs  
and side-  
walks.

58. For clearing away and removing snow and ice from the roofs of unoccupied buildings adjoining a highway and from the sidewalks adjoining the premises and adjoining vacant land in the municipality or in any defined area of it at the expense of the owner, and for collecting or recovering the expenses incurred in so doing in the manner provided by section 524.

Case of  
unoccupied  
buildings  
and vacant  
land.

### *Sparring Exhibitions, etc.*

59. For prohibiting sparring exhibitions and boxing matches, where an admission fee is charged, without the written permission of the chief constable in a city or town, or of the reeve in townships and villages.

Sparring  
exhibitions  
and boxing  
matches.

### *Steam Transmission.*

60. For authorizing any person supplying steam for heat or power to lay down pipes or conduits for transmitting steam under the highways or public squares, on such terms and conditions as the council may deem expedient.

Transmit-  
ting steam  
under  
highways.

(a) A by-law shall not be passed under the authority of this paragraph in violation of any agreement of the corporation.

*Watercourses and Drains—Obstruction of.*

Obstruction  
of drains.

61. For prohibiting the obstruction of any drain or water-course, and for permitting and regulating the size and mode of construction of culverts and bridges which cross any drain or watercourse situate on a public highway.

*Water Closets, Privy Vaults, etc.—Filling up.*

Closing and  
filling up  
cesspools,  
etc.

62. For requiring owners, lessees and occupants of land in the municipality or any defined area of it to close or fill up water closets, privies, privy vaults, wells or cesspools, the continuance of which may, in the opinion of the council or the medical health officer, be dangerous to health.

*Coasting and Tobogganing.*

Coasting  
and  
toboggan-  
ing.

63. For prohibiting or regulating coasting or tobogganing on the highways.

*Spitting on Sidewalks, etc.*

Spitting on  
sidewalks,  
in public  
buildings,  
etc.

64. For prohibiting spitting on sidewalks and pavements, and in the passages and stairways of and entrances to public buildings, and in buildings, halls, rooms and places to which the public resort, in street cars and public conveyances and in such other public places as may be designated in the by-law. R.S.O. 1927, c. 233, s. 397, pars. 50-64.

*Bands—Support of.*

Establishing  
funds for  
bands.

65. For providing by means of taxation for the establishment and maintenance of a fund for the support and aid of a band or bands of music and for making annual or other grants from such fund to any band or bands or to the members thereof.

Assent of  
electors  
requisite.

(a) No by-law shall be passed under the authority of this paragraph unless the assent of the electors qualified to vote on money by-laws has first been obtained, and no by-law passed with such assent shall be repealed except with the like assent.

Submission  
of by-law on  
petition.

(b) Upon a petition for the establishment of a fund under the authority of this paragraph being presented to the council of a municipality signed by not less than fifteen per centum in number of the electors qualified to vote on money by-laws according to the last revised voters' list, the council shall at the next ensuing annual municipal elections submit a by-law for the



establishment of the fund for the assent of the said electors and, if the same is assented to, shall pass the by-law. 1936, c. 39, s. 24 (2).

**406. By-laws may be passed by the councils of urban municipalities and of townships abutting on an urban municipality:**

*Establishing Restricted Districts or Zones.*

1. For prohibiting the use of land or the erection or use of buildings within any defined area or areas or abutting on any defined highway or part of a highway except for such purposes as may be set out in the by-law. R.S.O. 1927, c. 233, s. 398, par. 1.

2. For regulating the height, bulk, spacing and character of buildings to be erected or altered within any defined area or areas or abutting on any defined highway or part of a highway, and the proportion of the area of the lot which such building may occupy.

(a) No by-law passed under this section shall apply to any land or buildings which on the day the by-law is passed, is erected or used for any purpose prohibited by the by-law so long as it continues to be used for that purpose, nor shall it apply to any building the plans for which have been approved by the city architect prior to the date of the passing of the by-law, so long as when erected it is used for the purpose for which it was erected.

(b) No by-law passed under this section shall come into force or be repealed or amended without the approval of the Municipal Board; but such approval may be given, as to the whole or any part of an area or highway affected, if it is shown to the satisfaction of the Board that it is proper and expedient in view of,—

(i) the purpose for which the original by-law was passed and the nature and class of occupancy and use of the land within the area or abutting on the highway at the time the by-law was passed;

(ii) any change which may since have taken place affecting its suitability for such occupancy or use; and

(iii) the desirability of the proposed repeal or amendment in the interests of the owners of land in the district affected and of the community as a whole.

Notice to  
owners.

(c) The council shall notify all owners whose property is affected by any by-law passed under this paragraph of its intended application to the Municipal Board for its approval of the said by-law, and such notice shall be sent by prepaid registered letter at least ten clear days before the date fixed by the said Board for hearing the application to all such owners, affected by the said by-law, whose names appear on the last revised assessment roll of the municipality.

Formal  
order of  
Board.

(d) The approval of the Municipal Board to any such by-law shall be given by a formal order of the Board, and until such formal order has been made the approval of the Board shall not be deemed to have been given to any such by-law.

Determining  
owners to  
be notified.

(e) The Municipal Board shall have power and authority to determine who are the owners affected by any such by-law to whom notice of the application to the Board required by clause c shall be given and the order of the Board determining the owners to whom such notice shall be given shall be final and conclusive and not subject to appeal. R.S.O. 1927, c. 233, s. 398, par. 2; 1930, c. 44, s. 15.

**407. By-laws may be passed by the councils of urban municipalities:**

*Bathing and Boat-Houses—Inspection of.*

Inspection  
of bathing  
and boat  
houses.

1. For inspecting public bathing-houses and boat-houses or premises wholly or partly used for boat-house purposes.

*Borrowing Money for Certain Purposes Without Assent  
of Electors.*

Borrowing  
money for  
extension  
of water,  
gas, electric  
light works,  
etc.

2. Where the corporation of an urban municipality has heretofore constructed, purchased or acquired, or hereafter constructs, purchases or acquires gas, electric light, power or water works or works for the development of a water power for generating, or works for producing, transmitting or distributing electrical power or energy or sewerage works or works for the interception, purification or disposal of sewage, at the expense of the corporation at large, or where any such corporation has undertaken the construction, purchase or acquisition of any such works and it appears that the cost of such construction, purchase or acquisition has exceeded or will exceed the amount already provided for that purpose,—for borrowing such

further sums as may be necessary to extend, improve or complete such works or the purchase or acquisition of the same or to meet the cost of extensions or improvements already made to such works.

- (a) The by-law shall not require the assent of the electors When assent of electors not required. if it is passed by a vote of three-fourths of all the members of the council and is approved by the Municipal Board.
- (b) Such approval may be given if it is shown to the satisfaction of the Board that the expenditure proposed to be made for such extension or improvement or for the completion of such works or such purchase or acquisition is necessary, and that a sufficient additional revenue will be derived therefrom to meet the annual payments in respect of such debt and the interest thereon or in the case of the extension or improvement of waterworks or works for producing, receiving, transmitting or distributing electrical power or energy where it is made to appear to the said Board that the net revenue derived from such waterworks or works for producing, receiving, transmitting or distributing electrical power or energy justifies the construction of such extension or improvement or in the case of the extension or improvement of sewerage works or works for the interception, purification or disposal of sewage, that such extension or improvement is approved of by the Department of Health.
- (c) This paragraph shall not apply to works required by the Department of Health to be established, improved, extended, enlarged, altered or renewed or replaced. Application of paragraph.
- (d) This paragraph shall apply to a municipal street railway system in the same manner and to the same extent as it applies to waterworks.
- (e) This paragraph shall apply to any urban municipality operating any such works under the authority of a special Act, and any provision in such special Act requiring the assent of the electors shall not apply to the borrowing of money for the purposes of this paragraph.

*Buildings—Heating.*

3. For regulating, controlling, and inspecting the installation of all hot water and steam heating plants. R.S.O. 1927, c. 233, s. 399, pars. 1-3. Regulation etc., of heating plants.

*Buildings—Strength of Walls, Beams, etc.*

Size and strength of walls, etc., and production of plans.

4. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired. R.S.O. 1927, c. 233, s. 399, par. 4; 1934, c. 34, s. 7 (1).

(NOTE.—See also paragraph 18, et seq.)

*Buildings—Removing or Wrecking.*

Regulating removal and wrecking of buildings.

5. For regulating the removing or wrecking of buildings, and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom.

Requiring changes in structure of buildings.

6. For requiring the owner or occupant of any building to make such changes in its structure and to strengthen its walls, supports and floors as may be required by the architect or other officer named in the by-law when, in the opinion of the architect or such officer, the building is being used for any purpose for which it is structurally unsuited or which renders it dangerous, and requiring a permit from the architect or such other officer for such use after such changes have been made as he may direct, and prohibiting the use of any building which in the opinion of the architect or other officer is dangerous, without his sanction and approval.

*Cab Stands and Booths.*

Stands for vehicles.

7. For authorizing and assigning stands on the highways and in public places for motor vehicles not kept for hire, and for motor vehicles and other vehicles kept for hire, and regulating the use of the said stands, and for authorizing the erection and maintenance of covered stands or booths on the highways and in public places for the protection or shelter of the drivers of such motor vehicles and other vehicles kept for hire; but no such covered stand or booth shall be placed upon the sidewalk without the consent of the owner and occupant of the adjoining land.

*Cellars—Plans of.*

Ascertaining levels of cellars, etc.

8. For requiring owners and occupants to furnish the council with the levels, with reference to a line fixed by by-law, of their



cellars heretofore or hereafter dug or constructed, and for taking such other means as may be deemed necessary for ascertaining such levels.

9. For requiring to be deposited with an officer named in the by-law, before the erection of a building is commenced, a ground or block plan of the building, with the levels of the cellars and basements, with reference to a line fixed by by-law. Compelling the furnishing of ground or block plan of buildings to be erected.

*Children Riding behind Vehicles.*

10. For prohibiting children from riding on the platforms of cars, or riding behind or getting on waggons, sleighs or other vehicles while in motion, and for preventing accidents arising from such causes. Prohibiting children from riding behind waggons, etc.

*Drainage Purposes—Acquiring Land in Another Municipality for.*

11. For acquiring, with the consent of the council thereof, land in any other municipality required for preventing such urban municipality or any part of it from being flooded by surface or other water flowing from such other municipality or for an outlet for such water; and for constructing, maintaining and improving drains, sewers and watercourses in the land so acquired. Acquiring land in another municipality for drainage purposes.

*Drill Sheds and Armouries.*

12. For acquiring land in the municipality for a drill shed or armoury for any militia or volunteer corps having its headquarters in the municipality. Site for drill shed or armoury.

*Elevators, Hoists, etc.*

13. Subject to *The Factory, Shop and Office Building Act* and any other Act relating to cranes, elevators and hoists, for regulating the construction of and for inspecting cranes, hoists and elevators, and for regulating the manner in which elevators and hoists which are to be operated automatically or otherwise in buildings, shall be constructed and operated, and for licensing elevators and hoists used by the public or by employees. Erection of hoists and elevators. Rev. Stat. c. 194.

*Fire Engines, etc.—Right of Way on Highways.*

14. For providing that the reels, engines and vehicles of the fire department shall have the right of way on the streets and highways while proceeding to a fire or answering a fire alarm call. Right of way on streets for fire reels.

*Firemen, etc.*

Establish-  
ing fire  
companies,  
etc.

15. For appointing fire wardens, fire engineers and firemen and for promoting, establishing, and regulating fire, hook-and-ladder, and property saving companies. R.S.O. 1927, c. 233, s. 399, pars. 5-15.

*Fire Engines, etc.*

Purchase of  
fire hall site,  
etc.

16. For acquiring land for and erecting thereon a fire hall and for purchasing and installing fire engines, apparatus and appliances for fire-fighting and fire protection at a cost not exceeding \$20,000, and for the issue of debentures therefor payable in equal annual instalments of principal and interest during a period not exceeding ten years.

- (a) It shall not be necessary to obtain the assent of the electors to the by-law if it is passed by a vote of two-thirds of all the members of the council.
- (b) No by-law shall be passed under the authority of this paragraph while any debentures issued under a by-law previously passed thereunder are outstanding and unpaid unless the approval of the Municipal Board is obtained. 1931, c. 50, s. 27.

(NOTE.—*See section 425, par. 2.*)

*Firemen, etc.—Medals, Rewards and Gratuities to.*

Rewards to  
firemen and  
persons dis-  
tinguishing  
themselves  
at fires.

17. For providing medals or rewards for persons who distinguish themselves at fires, and for granting gratuities to the members of the fire brigade who have become incapacitated for service on account of injuries or ill-health caused by accident or exposure at fires, or from old age or inability to perform their duties, and for granting pecuniary aid or other assistance to the widows and children of persons killed by accident while in the discharge of their duties at fires, or who die from injuries received or from illness contracted while in the service of the corporation as firemen.

*Fires—Prevention of.*

Erection of  
buildings,  
etc.

18. For regulating the construction, alteration or repairs of buildings.

Wooden  
buildings.

19. For prohibiting the erection of wooden buildings or wooden additions, and of wooden fences, or the removal of any such building or fence from one place to another in defined

areas of the municipality. R.S.O. 1927, c. 233, s. 399, pars. 17-19.

20. For prohibiting the erection or placing within defined areas of buildings or additions to them without foundations and foundation walls or with external and party walls other than of brick, portland cement, concrete, steel, stone, tile, terracotta or other incombustible material or of one or more of such materials or other than partly of one or more of such materials and partly of other materials as the by-law may prescribe and also prohibiting roofing of other than incombustible material, provided, however, that such by-laws may allow, in defined areas, buildings for prescribed purposes to be erected or placed not exceeding a prescribed size or height having walls of other than said materials or partly of one or more thereof and partly of other materials as the by-law may provide, with roofing of such materials as the council may determine according to the intended use of such buildings, and such by-laws may prohibit the erection or placing of more than the prescribed number of such buildings on any one lot or parcel of land.

Kind of  
walls.

(a) "Incombustible material" as applied to roofing in this paragraph shall mean the material prescribed by the by-law with reference to each defined area. R.S.O. 1927, c. 233, s. 399, par. 20; 1934, c. 34, s. 7 (2).

21. For regulating the repairing or alteration of roofs or the external walls of existing buildings within such areas, so that the buildings may be as nearly as practicable fire proof.

Repairs to  
existing  
buildings.

22. For authorizing the pulling down or removal, at the expense of the owner, of any building or erection constructed, altered, repaired or placed in contravention of the by-law.

Pulling  
down, etc.,  
buildings  
illegally  
erected.

23. For authorizing the pulling down or repairing or renewing, at the expense of the owner, of any building, fence, scaffolding or erection, which, by reason of its ruinous or dilapidated state, faulty construction or otherwise is in an unsafe condition as regards danger from fire or risk of accident.

Pulling  
down build-  
ings in  
ruinous  
state.

24. For prohibiting or regulating the use of fire or lights in factories, stables, cabinet makers' shops, carpenters' shops, paint shops, dye and cleaning works, and places where their use may cause or promote fire.

Fire in  
stables, etc.

25. For prohibiting or regulating the carrying on of manufactures or trades which may be deemed dangerous in causing or spreading fire.

Dangerous  
manufac-  
tures.

Inspecting  
and regu-  
lating elec-  
tric wires,  
etc.

26. For regulating and inspecting wires and other apparatus placed or used for the transmission of electricity for any purpose in or along any highway or on or in any building, and for requiring any such wire or other apparatus which is deemed unsafe or dangerous to be removed or repaired at the expense of the person to whom it belongs or who is using it.

Construction  
of chimneys,  
fireplaces,  
etc.

27. For regulating the construction of chimneys, flues, fireplaces, stoves, ovens, boilers or other apparatus or things which may be dangerous in causing or promoting fire, and for removing at the expense of the owner any of them constructed in contravention of the by-law.

Dimensions  
and cleaning  
of chimneys.

28. For regulating the construction as to dimensions and otherwise, and for enforcing the proper cleaning of chimneys.

Removal  
of ashes.

29. For regulating the mode of removal and safe keeping of ashes.

Erection of  
party walls.

30. For regulating and enforcing the erection of party walls.

Scuttles,  
ladders, etc.  
to houses.

31. For requiring the owners and occupants of buildings to have scuttles in the roof, with approaches, or stairs or ladders leading to the roof.

Guarding  
buildings  
against fire.

32. For requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident.

Fire  
buckets.

33. For requiring each inhabitant to provide as many fire buckets, in such manner and at such time as may be prescribed; and for regulating the inspection of them and their use at fires.

Inspection  
of premises.

34. For authorizing appointed officers to enter at all reasonable times upon any property, in order to ascertain whether the provisions of the by-law are obeyed, and to enforce or carry into effect the same.

Preventing  
spreading  
of fire.

35. For suppressing fires, and for pulling down or demolishing buildings or other erections when deemed necessary to prevent the spread of fire.

Enforcing  
assistance  
at fires.

36. For regulating the conduct and enforcing the assistance of persons present, and for the preservation of property at fires.

Regulations.

37. For making such other regulations for preventing fires and the spread of fires as the council may deem necessary.

### *Milk and Bread Tickets, etc.*

Milk and  
bread  
tickets.

38. For regulating the use of tickets, checks or coupons by vendors of or dealers in milk, bread, or other articles of food.



*Naming and Surveying Streets.*

39. To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property.

Marking  
the bound-  
aries of  
and naming  
streets, etc.

- (a) A by-law for changing the name of a highway shall not have any force or effect unless passed by a vote of at least three-fourths of all the members of the council, or until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the registry office of the proper registry division.
- (b) A by-law for changing the name of a highway in a city or town shall state the reason for the change, and shall not be finally passed until it has been approved by a judge of the county or district court of the county or district in which the municipality is situate.
- (c) The judge, on the application of the council, shall appoint a day, hour and place for considering the by-law, and for hearing those advocating and opposing the change.
- (d) A copy of the by-law and of the appointment shall be served on the registrar of the registry division in which the municipality is situate at least two weeks before the time appointed, and a notice of the application in such form as the judge may approve shall be published once in the *Ontario Gazette* at least two weeks before the time so appointed, and at least once a week for four successive weeks in such other newspaper or newspapers as the judge may direct.
- (e) If the judge approves of the change he shall so certify and his certificate shall be registered with the by-law, and the change shall take effect from the date of the registration.

Proceedings  
for changing  
names of  
streets.

*Numbering Houses and Lots.*

40. For numbering the buildings and lots along the highways and for affixing numbers to the buildings, and for charging the owner or occupant with the expense incident to the numbering of his building or lot, provided that such expense may be collected in the same manner as taxes, and if paid by the occupant, subject to any agreement between him and the owner, may be deducted from the rent payable to the owner.

Numbering  
houses, etc.

Proviso.

*Numbers and Record of Streets.*

Record of  
streets,  
numbers,  
etc.

41. For keeping, and every such council shall keep, a record of the highways and of the numbers of the buildings and lots, and for entering therein, and every such council is hereby required to enter therein, a division of the streets with boundaries and distances for public inspection.

*Pits and Quarries.*

Pits and  
quarries.

42. For prohibiting the making of pits and quarries in the municipality or regulating the location of them, provided that the making or locating of a pit or quarry in contravention of the by-law in addition to any other remedy may be restrained by action at the instance of the corporation. R.S.O. 1927, c. 233, s. 399, pars. 21-42.

*Runners.*

Importun-  
ing travel-  
lers.

43. For prohibiting persons from soliciting or importuning on a highway or in a public place others to travel in or employ any vessel or vehicle, or to go to any hotel or boarding house or lodging house, or for regulating persons so employed.

Application  
of by-law.

(a) A by-law passed under the authority of this paragraph may be made applicable only to one or more highways or public places named therein or to any defined area. R.S.O. 1927, c. 233, s. 399, par. 43; 1928, c. 37, s. 8; 1930, c. 44, s. 16; 1931, c. 50, s. 28.

*Sidewalks—Horses and Cattle upon.*

Driving,  
etc., upon  
sidewalks.

44. For prohibiting the leading, riding or driving of horses or cattle upon sidewalks or in other places not proper therefor. R.S.O. 1927, c. 233, s. 399, par. 44.

*Smoke Prevention.*

Smoke  
prevention.

45. For requiring the owner, lessee, tenant, agent, manager or occupant of any premises in, or of a steam boiler in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at any other point than the opening to the atmosphere of the flue, stack or chimney.

- (a) This paragraph shall not apply to a furnace or fire used in connection with the reduction, refining, or smelting of ores or minerals or the manufacture of cement, brick or tiles or to dwelling houses except apartment houses.
- (b) No person shall incur a penalty for an infraction of the by-law until ninety days after notice from the corporation of the existence of such by-law and such notice may be given by publication of the by-law in the *Ontario Gazette* and in a daily newspaper for four successive weeks. R.S.O. 1927, c. 233, s. 399, par. 45; 1937, c. 47, s. 22.

*Stables, etc.*

46. For regulating the location, erection and use of stables  
garages, barns, outhouses and manure pits.

Location  
of stables,  
garages, etc.

*Traffic on Highways, etc., Driving of Cattle, etc.*

47. Subject to the provisions of *The Highway Traffic Act* for regulating traffic on the highways, and for prohibiting heavy traffic and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places named in the by-law, and for prohibiting traffic in any but one direction in highways which in the opinion of the council are too narrow for the passing of one vehicle by another or in which in the opinion of the council, it is desirable that traffic should be limited to one direction.

Regulating  
traffic.  
Rev. Stat.  
c. 288.

(NOTE.—See sec. 441 (4) as to power of police commissioners.)

48. For setting aside and designating in a suitable visible manner, on any highway upon which street cars are operated, any part or parts as a "safety zone" and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon.

Safety zones.

*Watchmen.*

49. For employing and paying one or more watchmen to patrol at night, or between certain hours of the night, any highway or part of a highway, to be defined by the by-law and to guard and protect property, and for levying and collecting in the same manner and at the same time as taxes are levied and

Appointment  
of night  
watchmen.

collected, by special rate, according to its assessed value, upon the land abutting on such highway or part of a highway within the limits defined by the by-law, except vacant lots, the expenses of or incidental to the employment of such night watchmen.

Special rate for expenses.

Petition by ratepayers. (a) The by-law shall not be passed except upon petition of two-thirds of the assessed owners and tenants of the land liable to be charged with the expenses, representing at least two-thirds of the assessed value of such land.

Proof of signatures.

(b) A petition shall not be acted on unless the signatures to it, and that the contents of it were made known to each person before signature, are proved by affidavit.

Liability of tenant.

(c) As between the landlord and tenant, in the absence of any express agreement to the contrary, the tenant shall be liable for the expenses for the period of his occupation.

When owner not to petition.

(d) When land is occupied by a tenant the owner shall not be entitled to petition.

#### *Vacant Lots—Enclosure of.*

Vacant lots. 50. For requiring vacant lots to be properly enclosed.

#### *Water Tanks and Towers.*

Water tanks and towers.

51. For regulating the construction, erection, alteration or repairing of water tanks and water towers whether on buildings or elsewhere, and for prohibiting the construction, erection, altering or repairing of same contrary to such regulations R. S. O. 1927, c. 233, s. 399, pars. 46-51.

Market by-laws.

**408. Subject to section 409, by-laws may be passed by the councils of urban municipalities and of townships bordering on a city having a population of not less than 100,000:**

#### *Markets, etc.*

Establishing markets.

1. For establishing, maintaining and regulating markets.

Regulating vending in streets, etc.

2. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, vegetables, grain, hay, fruit, beverages, smallwares and other articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

Sale of grain, meat, farm produce, smallwares, etc.

3. For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, and other fodder, wood, lumber, shingles, farm produce, smallwares and all other



articles exposed for sale, and prescribing the fees to be paid therefor.

4. For prohibiting criers and vendors of smallwares from practising their calling in the market place, or on the highways, or on vacant lots adjacent to the market place or to a highway.

Criers and  
vendors of  
smallwares.

5. For prohibiting the forestalling, regrating or monopoly, of grain, wood, meat, fish, fruit, roots, vegetables, poultry, dairy products, eggs and all articles for family use, which are usually sold in the market, and for prohibiting or regulating the purchase of such things by hucksters, grocers, butchers, runners or wholesalers, or by persons who directly or indirectly purchase or acquire them for re-sale, provided that farmers and other producers may nevertheless sell such things at stores and shops at any time. R.S.O. 1927, c. 233, s. 400, pars. 1-5.

Prohibiting  
forestalling,  
etc.

Hucksters,  
etc.

Proviso.

6. For regulating the measuring or weighing of lime, shingles, laths, cordwood, coal and other fuel, a by-law passed by a municipality under this paragraph may be made applicable to the weighing of coal and other fuel to be delivered within the municipality or to point not more than three miles beyond its limits. R.S.O. 1927, c. 233, s. 400, par. 6; 1937, c. 47, s. 23.

Measuring,  
etc., certain  
articles.

7. For regulating vehicles, vessels, and other things in which anything is exposed for sale or marketed and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid.

Regulating  
vehicles  
used in mar-  
ket vending.

8. For selling, after six hours' notice, butchers' meat distressed for rent of a market stall.

Sale of meat  
distressed.

9. For purchasing, leasing, erecting, maintaining and operating weighing machines and weigh-houses, for appointing weigh-masters and for prescribing their duties. R.S.O. 1927, c. 233, s. 400, pars. 7-9.

Purchasing  
weighing  
machines,  
etc.

10. For imposing, levying and collecting fees for the use of such weighing machines, not being contrary to the limitations prescribed by subsection 8 of section 409, or by clause *d* of paragraph 11 of this section. R.S.O. 1927, c. 233, s. 400, par. 10; 1934, c. 34, s. 8.

Fees.

11 With the approval of the Municipal Board and within the limitations and restrictions, and under the conditions prescribed by order of the Board for requiring all persons who shall, after a sale thereof, deliver coal or coke within the municipality, by a vehicle, from any coal yard, store-house, coal-chute, gas house or other place, to have the weight of such vehicle and of such coal or coke ascertained prior to delivery, by a weighing machine established as provided by paragraph 9, to furnish the weigh-master in charge of such weighing

Weighing  
of coal and  
coke.

machine with, and to surrender to each purchaser, at the time of delivery, a weigh-ticket, upon which has been printed or written a description and grade of the coal or coke, the name and address of the vendor, and the name of the purchaser, and to have such weigh-ticket dated and signed by such weigh-master and to have him enter thereon the weight of such coal or coke.

Vendor bound.

(a) Every vendor of coal or coke with respect to which a weigh-ticket has been issued shall be bound thereby, and shall not be entitled to demand, collect or recover from the purchaser the price of any greater quantity of coal or coke than that shown on such weigh-ticket.

Penalty.

(b) Every such vendor, who demands, collects or receives from a purchaser the price of any greater quantity of coal or coke than that shown on such weigh-ticket shall be guilty of an offence, and shall incur a penalty not exceeding \$20.

Car lots.

(c) Nothing in this paragraph shall authorize a municipality to require the weighing of coal or coke sold in car lots at shippers' weights.

Fees for weighing coal or coke.

(d) No fees may be imposed, levied or collected for weighing coal or coke greater than ten cents a load. R.S.O. 1927, c. 233, s. 400, par. 11; 1928, c. 37, s. 9; 1934, c. 34, s. 9.

Measurement of wood sold on market.

12. For requiring all persons offering, or exposing cordwood or firewood for sale upon the market, loaded in or upon any vehicle,—

- (i) to have such wood measured by a market inspector or by some other official of the municipality appointed for that purpose, who shall mark such measurement in a conspicuous place upon the load or vehicle, before the wood is offered for sale;
- (ii) to procure from such inspector or official a measurement ticket signed and dated by him, upon which he has entered the quantity of cordwood or firewood loaded in or upon such vehicle, and the name and address of the vendor;
- (iii) to surrender such measurement ticket to the purchaser at or before the time of delivery;
- (iv) to pay such fee for measuring as may be imposed, not exceeding that prescribed by subsection 8 of section 409.

13. For requiring all persons who shall, after a sale thereof, except upon the market, deliver cordwood or firewood within the municipality by a vehicle, to surrender to the purchaser thereof, when making delivery, a ticket signed by, or on behalf of, such person, upon which shall be legibly written or printed his name and address, the quantity of wood delivered from such vehicle, expressed in terms of a cord of one hundred and twenty-eight cubic feet, and the price at which the same has been sold.

Measurement of wood sold off market.

(a) No by-law shall require kindling wood, mill waste, or mill cuttings to be measured. R.S.O. 1927, c. 233, s. 400, pars. 12, 13.

Kindling, etc.

14. For requiring retail vendors of coke selling by weight to store their stock of coke so that it will not be exposed to rain, snow or water, and for prohibiting the sale of coke which is not so stored. 1928, c. 37, s. 10.

Storage of coke.

15. For requiring every owner of land upon which there is erected a building used or intended to be used for commercial purposes to keep in repair any portion of his land lying between the building and the street line which is used by the public as part of the sidewalk on such street, and for providing that in the event of any such owner refusing to keep same in repair or neglecting to put same in repair within one month after notice from the corporation, the corporation may put same in repair at the expense of the owner, and for collecting or recovering the expenses incurred in so doing in the manner provided by section 524. 1930, c. 44, s. 17.

Owner to keep certain land in repair.

**409.**—(1) No market fee shall be imposed, levied or collected, in respect of wheat, barley, rye, corn, oats, or any other grain, hay or other seed, wool, lumber, lath, shingles, cordwood or other firewood, dressed hogs, cheese, hay, straw or other fodder, brought to market, or upon the market place, for sale or other disposal.

No market fees to be imposed on certain products.

(2) No market fee shall be imposed, levied or collected in respect of butter, eggs, poultry, honey, celery, small fruits or other articles in hand baskets, brought to market, or upon the market place, for sale or other disposal, unless a convenient and fit place affording shelter in summer, and shelter and reasonable protection from the cold in winter, in which to expose them for sale is provided by the corporation.

When fees may be charged on butter, etc., brought to market.

(3) Where the vendor of an article brought within the municipality in pursuance of a prior contract for the sale of it proceeds directly to the place of delivery, without hawking it upon the highways or elsewhere in the municipality, no market fee shall be imposed, levied, or collected in respect of it.

Fees not to be charged on articles delivered in pursuance of prior contract.

Nor on  
articles  
brought into  
municipality  
after 10 a.m.

(4) No market fee shall be imposed, levied or collected in respect of any article brought into the municipality after ten o'clock in the forenoon, unless it is offered or exposed for sale upon the market place.

When  
articles  
need not be  
weighed or  
measured.

(5) No by-law shall require hay, straw or other fodder to be weighed, where neither the vendor nor the purchaser desires to have it weighed or measured.

Time after  
which at-  
tendance on  
market not  
required.

(6) A person who has exposed or offered for sale an article in the market place and has paid the prescribed fee, if any, in respect of it may, after nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, sell such article elsewhere than in the market place.

Scale of  
market fees.

(7) No market fee may be imposed, levied or collected, higher than those contained in the following scale:—

On a motor vehicle or a vehicle drawn by more than one horse or other animal in which articles are brought to the market place.....10 cents

If the vehicle is drawn by one horse or other animal ..... 5 cents

Upon a vehicle propelled or drawn by hand or a basket or vessel in which articles are brought to the market place ..... 2 cents

Upon the person bringing articles to the market place by hand and not in a vehicle, basket or vessel ..... 2 cents

Upon live stock brought to the market place for sale:—

A horse, mare, or gelding .....10 cents

A head of horned cattle ..... 5 cents

A sheep, calf, or swine ..... 2 cents

Idem.

(8) No fees may be imposed, levied or collected for weighing or measuring greater than those contained in the following scale:—

For weighing a load of hay .....25 cents

For weighing slaughtered meat, or grain or other articles exposed for sale, if weighing less than one hundred pounds ..... 2 cents

If weighing more than one hundred and less than one thousand pounds ..... 5 cents

If weighing more than one thousand pounds.....10 cents



For weighing live animals other than pigs, sheep or calves—	
Per head when only one weighed .....	10 cents
For each additional animal weighed at the same time .....	5 cents
For weighing sheep, pigs or calves—	
One or two .....	10 cents
Three, four or five .....	15 cents
Six or seven .....	20 cents
Eight, nine or ten .....	25 cents
For each additional animal above ten .....	2 cents
For measuring a load of wood .....	10 cents

(9) Subsection 1 shall not apply to a municipality in which there is in force a by-law providing that vendors of articles in respect of which under the provisions of paragraph 3 of section 408, a market fee may be imposed, may, without paying market fees, offer for sale and sell or otherwise dispose of such articles, at any place within the municipality, excepting only at the market place.

Subsection 1 not to apply where by-law in force allowing sale without fee except at the market;

(10) Subject to subsection 2, the council of a municipality to which subsection 9 applies, may by by-law provide for imposing, levying and collecting market fees from such vendors who voluntarily use the market place for selling such articles or from any person who or whose vehicle remains upon that part of a highway which is within one hundred yards of the market place, for the purpose of selling any of such articles other than grain, seeds, dressed hogs or wool upon such highway, but driving through or across such part of a highway shall not authorize the imposition of any market fee, nor shall any market fees be imposed in respect of an article sold to a person carrying on business and having a bona fide store, shop or other similar place of business on such part of a highway.

but such by-law may impose fees on persons voluntarily using market; and on others selling within 100 yards of market. Exception as to sales to persons carrying on business near market.

(11) Where a highway is used as a market place or market, or part of a market place or market, no market fees shall be imposed, levied or collected upon articles brought to that part of the highway which is so used, but this subsection shall not apply to so much of a highway as adjoins or abuts upon a market square established as a market place.

Fees not to be charged where highway used as market.

(12) Subsections 9 to 11 shall not apply to any municipality where no market fees were charged or imposed on the 10th day of March, 1882, but subsections 1 to 8 and 13 and 14 shall apply to such municipality in the event of market fees being thereafter charged or imposed therein.

Case of municipality again imposing market fees.

Power to regulate sales when no fees are charged.

(13) Nothing in subsections 1 to 12 contained shall prevent any municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within the municipality to the same extent as it might have done before the 10th day of March, 1882.

Proviso.

(a) Market fees within the meaning of this subsection shall not include fees for weighing or measuring.

Proviso.

(b) After nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon between the 1st day of November and the 1st day of April, no person shall be compelled to remain on, or resort to, any market place with any articles which he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on said market places.

Inconsistent enactments not to apply.

(14) Whenever subsections 1 to 8 or subsections 9 to 11 are in force in any municipality, so much of any Act or law as may be contrary to, and as conflicts with the same, shall not be in force in or apply to such municipality.

Right to sell or lease market fees.

(15) A corporation may sell or lease its market fees with the right to collect them. R.S.O. 1927, c. 233, s. 401.

**410. By-laws may be passed by the councils of counties, cities and towns:**

*Educational Institutions—Aid to.*

Grants to universities, colleges, historical societies, etc.

1. For making grants in aid of the University of Toronto or of Upper Canada College, or of any other university or college in Ontario, or of any historical, literary, or scientific society.

(a) Such grants may be made from time to time, and may be either by one payment, or by an annual payment for a limited number of years, and upon such terms and conditions as may be agreed upon and may include supplying Upper Canada College with water from the waterworks of the City of Toronto, without charge.

*Endowing Fellowships.*

Endowing fellowships, etc., in universities and colleges.

2. For endowing fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, or in Upper Canada College, or in any other university or college

in Ontario, for competition among the pupils of the collegiate institutes and high schools in the municipality.

3. For granting aid to art schools, approved by the Department of Education. Aid to art schools.

4. For granting aid, for the erection, establishment or equipment of an industrial school, to any philanthropic society, within the meaning of *The Industrial Schools Act*, upon the board of which the council is represented. Aid to industrial schools. Rev. Stat. c. 363.

*Supporting Pupils at High Schools, Universities and Colleges.*

5. For making permanent provision for defraying the expenses of the attendance at the University of Toronto or at Upper Canada College, or at any other university or college in Ontario, of such of the pupils of any collegiate institute or high school of the municipality as are unable to incur the expense, but are desirous of, and in the opinion of the head master thereof possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such university or college. Supporting certain high school pupils at universities, colleges, etc.

6. For making similar provision for the attendance at any collegiate institute or high school, for the like purpose, of pupils of public schools of the municipality. R.S.O. 1927, c. 233, s. 402. Similar provisions for attendance at high schools.

**411. By-laws may be passed by the councils of towns, villages and townships:**

*Education.*

1. For making grants in aid of, or to build, preserve, enlarge or improve any collegiate institute or high school in another municipality. R.S.O. 1927, c. 233, s. 403. Grants to high schools.

**412. By-laws may be passed by the councils of counties and cities:**

*Reward.*

1. For paying on the conviction of the offender and on the order of the judge or magistrate before whom the conviction is had a reward of not less than \$20 to any person who pursues and apprehends, or causes to be apprehended, any person stealing any animal, fowl or farm product or any article or goods within the municipality. Reward for apprehension of persons guilty of stealing animals.

(a) The amount payable as the reward shall be in the discretion of the judge or magistrate, but shall not exceed the amount fixed by the by-law. R.S.O. 1927, c. 233, s. 404; 1937, c. 47, s. 24 (1). Proviso.

**413. By-laws may be passed by the councils of counties, cities and separated towns:**

*Side Lights on Vehicles.*

Vehicles to  
carry side  
lights at  
night.

1. For requiring every vehicle drawn by a horse or other animal whenever on a highway after dusk and before dawn to carry on the left hand side of the vehicle, one lighted lamp or a reflector approved by the county engineer, and so affixed that it shall be plainly visible from the front and the rear of the vehicle. R.S.O. 1927, c. 233, s. 405.

**414. By-laws may be passed by the councils of cities and towns:**

*Garbage Collection.*

Removal of  
ashes,  
garbage,  
etc.

1. For establishing and maintaining a system for the collection, removal and disposal at the expense of the corporation of garbage or of garbage and other refuse or of ashes, garbage and other refuse and with the approval of the Department of Health for erecting and maintaining such buildings, machinery and plant as may be deemed necessary for that purpose, or for contracting with some person for the collection, removal and disposal by him of the ashes, garbage and other refuse upon such terms and conditions and subject to such regulations as may be deemed expedient.

(a) Where the amount required for the erection of such buildings, machinery and plant and for acquiring the requisite land exceeds \$5,000, the by-law shall not be finally passed without the assent of the electors entitled to vote on money by-laws.

Special rate  
for cost of.

2. For the collection, removal and disposal by the corporation of garbage or of garbage and other refuse or of ashes, garbage and other refuse throughout the whole municipality or in defined areas of it at the expense of the owners and occupants of the land therein, and for imposing upon such land according to its assessed value a special rate to defray the expense of such collection, removal and disposal.

No land  
exempt.

(a) Subject to clause *c* no land shall be exempt from the special rate, anything in any general or special Act or in any by-law to the contrary notwithstanding.

Recovery  
of special  
rate.

(b) The special rate may be collected or recovered in the manner provided by section 524.

Special  
rate on  
churches.

(c) In the case of a place of worship the council may by by-law provide that the special rate shall be imposed upon the land according to its assessed value exclusive of the assessed value of the buildings.



*Laundrymen.*

3. For licensing, regulating and governing laundrymen and laundry companies and for inspecting and regulating laundries. Licensing, etc., of laundries.

- (a) The by-law shall not apply to or include women carrying on a laundry business in private dwelling houses, and employing female labour only, or to such dwelling houses.
- (b) The by-law may provide that a license shall not be granted, if it is deemed that the location of the laundry is an undesirable one.

*Lodging-Houses and Lodging-House Keepers.*

4. For licensing, regulating and governing lodging-houses and the keepers of lodging-houses, and for fixing the fee not exceeding \$1 to be charged for the license and for revoking any such license. Regulation of lodging-houses and keepers.

- (a) For the purpose of this subsection a "lodging-house" shall mean any house or building or portion thereof in which persons are harboured or received or lodged for hire for a single night or for less than a week at one time, or any part of which is let for any person to sleep in for any time less than a week, but shall not include a "standard hotel" within the meaning of *The Liquor Control Act*. Meaning of "lodging-house." Rev. Stat. c. 294.

*Lavatories, etc.*

5. For constructing and maintaining lavatories, urinals, water closets and like conveniences, where deemed requisite, upon the highways or elsewhere, and for supplying them with water, and for defraying the expense thereof and of keeping them in repair and good order. Maintaining public conveniences.

*Lifeboat Associations.*

6. For granting aid to any organization owning, manning and working lifeboats or other apparatus for life saving purposes. Aid to life-boat associations.

*Massagists, Massage Parlours.*

7. For licensing, regulating and governing massagists and for inspecting and regulating massage parlours, and such by-laws may provide for the enforcement thereof through the Licensing and regulating massagists, etc.

medical health department or police department of the city or town. R.S.O. 1927, c. 233, s. 406, pars. 1-7.

*Police Signal System.*

Police signal system.

8. For purchasing and installing apparatus, appliances and equipment for a police signal system at a cost not exceeding \$20,000 in the case of a city and \$10,000 in the case of a town, and for the issue of debentures therefor, payable in equal annual instalments of principal and interest during a period not exceeding ten years.

- (a) It shall not be necessary to obtain the assent of the electors to the by-law if it is passed by a vote of two-thirds of all the members of the council. 1929, c. 58, s. 7.

*Residential Streets and Building Line.*

Setting apart residential streets. Fixing building line.

9. For declaring any highway or part of a highway to be a residential street, and for prescribing the distance from the line of the street in front of it at which no building on a residential street may be erected or placed.

- (a) It shall not be necessary that the distance shall be the same on all parts of the same street.
- (b) The by-law shall not be passed except by a vote of two-thirds of all the members of the council.

*Sewerage System—Management of, by Commissioners.*

Commissioners to manage sewerage system. Rev. Stat. c. 286.

10. Where the sewerage system includes the disposal or purification of sewage upon a sewage farm by filtration or other artificial means, for placing the management of it under a commission established under *The Public Utilities Act*.

- (a) The by-law shall not be passed without the assent of the municipal electors.

*Superannuation and Benefit Funds.*

Superannuation and benefit funds for fire and police force.

11. For granting aid for the establishment and maintenance of superannuation and benefit funds for the members of the police force and of the fire brigade, and of other officers and employees of the corporation, and of their wives and families.

*Surveyors and Engineers.*

12. For appointing an Ontario land surveyor as surveyor for the corporation and for appointing one or more engineers.

Corporation  
surveyor  
and  
engineers.

- (a) An engineer so appointed and his assistants shall in the performance of their duties possess all the powers, rights and privileges which a surveyor possesses under the provisions of section 7 of *The Surveys Act*.

Powers of  
engineer.

Rev. Stat.  
c. 232.

R.S.O. 1927, c. 233, s. 406, pars. 8-11.

*Lending Libraries.*

13. For licensing, regulating and governing lending libraries which are carried on or operated for the purpose of profit or gain.

Lending  
libraries,  
power to  
license.

- (a) The fee to be paid for the license shall not exceed \$2.

- (b) Nothing in this paragraph contained shall apply to or affect the lending or circulation of books, magazines, periodicals or other printed works by any religious body or incorporated educational institution. 1934, c. 34, s. 10.

**415. By-laws may be passed by the councils of cities and of local municipalities, other than cities, situate within ten miles of a city having a population of not less than 100,000:**

R.S.O. 1927, c. 233, s. 407, *part*; 1933, c. 37, s. 11 (1).

*Bailiffs.*

1. For licensing, regulating and governing bailiffs and for providing that each applicant for a license shall deposit with the issuer of licenses, with his application, such security or guarantee bond for such amount as may be required by the council of the municipality and for revoking the license, provided each such revocation is authorized by a resolution or by-law passed specifically for the purpose. R.S.O. 1927, c. 233, s. 407, par. 1; 1933, c. 37, s. 11 (2).

Licensing,  
regulating  
and govern-  
ing bailiffs.

- (a) For the purpose of this paragraph, a bailiff shall mean "any person acting as agent for any other person under a warrant authorizing the seizure and sale of chattels, but shall not include a bailiff of any division court nor any sheriff or his agent, nor any officer of any court of record." R.S.O. 1927, c. 233, s. 407, par. 1, cl. (a).

"Bailiff,"—  
meaning of.

License fees.

- (b) The license fee shall not exceed, in the case of a city, \$100, and in the case of a local municipality other than a city, \$25. 1936, c. 39, s. 25 (1).

**416. By-laws may be passed by the councils of towns and villages:**

*Vehicles Used for Hire, etc.—Livery and Boarding Stables.*

Licensing,  
etc.,  
teamsters,  
etc.

1. For licensing, regulating and governing teamsters, carters and draymen, owners and drivers of cabs, motor and other vehicles for hire, and regulating the charges for the conveyance of goods or for other services. R.S.O. 1927, c. 233, s. 408, par. 1; 1929, c. 58, s. 8 (1); 1930, c. 44, s. 18.

Licensing  
livery  
stables,  
cabs, etc.

2. For licensing, regulating and governing the keepers of livery stables, and of horses, cabs, carriages, omnibuses, motor and other vehicles used or kept for hire; for regulating the fares to be charged for the conveyance of goods or passengers, and for enforcing payment thereof. R.S.O. 1927, c. 233, s. 408, par. 2; 1929, c. 58, s. 8 (2).

Prohibited  
areas.

3. For defining districts within which a livery or boarding stable shall not be established. R.S.O. 1927, c. 233, s. 408, par. 3.

**417. By-laws may be passed by the councils of counties:**

*Booms—Protection and Regulation of.*

Protecting  
booms.

1. For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves.

*Fences.*

Fences.

2. For the exercise in respect of fences along highways under the jurisdiction of the council, of the powers conferred upon the councils of local municipalities by paragraph 27 of section 405 and by *The Snow Roads and Fences Act*. R.S.O. 1927, c. 233, s. 409, pars. 1, 2.

Rev. Stat.  
c. 291.

*Poles and Wires.*

Regulating  
erection of,  
poles,  
towers,  
wires, etc.,  
on county  
roads.  
Rev. Stat.  
c. 277.

3. Subject to *The Municipal Franchises Act* for permitting and regulating the erection and maintenance of electric light, power, telegraph and telephone poles, towers and wires on, and the laying of pipes or conduits for the conveyance of water, gas or sewage under the highways, under the jurisdiction of the council.



*Publicity Purposes.*

4. For expending and for diffusing information respecting the advantages of the county as an agricultural centre, a sum not exceeding in any year \$3,000. Annual expenditure for diffusing information.

(NOTE.—See also section 449 and *The County Publicity Act*, *Rev. Stat. c. 84.*)

*Traffic—Regulation of, Licensing Livery Stables, etc.*

5. If there are gravel or macadamized highways under the jurisdiction of the council, and under its immediate control, which are being kept up and repaired by municipal taxation, and upon which no toll is collected,—

- (a) for licensing, regulating and governing the keepers of livery stables, and of horses, cabs, carriages, omnibuses, and other vehicles used or kept for hire, and teamsters; Licensing livery stables.
- (b) for regulating the fares to be charged for the conveyance of goods or passengers; Rates of fare.
- (c) subject to the provisions of *The Highway Traffic Act* for regulating the traffic on such highways. Regulating traffic. Rev. Stat. c. 288.

*Seeds—Refuse From Cleaning of.*

6. For compelling the destruction or regulating the disposal of the refuse obtained in the process of cleaning grass or clover seed. Refuse from grass or clover seed.

*Seeds—Purchase and Donation of.*

7. For purchasing supplies of any or all kinds of vegetables, seeds and seed roots and tubers and donating them to residents of the county on such terms and conditions as may be fixed by the by-law for the purpose of promoting and aiding the production of crops. *R.S.O. 1927, c. 233, s. 409, pars. 4-8.* Purchase and donation of seeds.

*County Farms.*

8. For acquiring lands in the county and erecting thereon farm and other buildings and for establishing, developing, improving, equipping, operating and maintaining such lands and buildings as a county farm for educational, experimental and other purposes in the promotion and advancement of agricul- Establishment of county farms.

ture in all its branches, and for the issue of debentures therefor, other than for the expenses of operation and maintenance.

(a) It shall not be necessary to obtain the assent of the electors to any by-law passed under this paragraph if it is passed by a vote of two-thirds of all the members of the council.

(b) A county council which has established a county farm under this paragraph may enter into agreements with the Minister of Agriculture for its development, improvement and equipment and for its operation and maintenance by or in conjunction with the Department of Agriculture for such periods and upon such terms and conditions as from time to time may be agreed. 1931, c. 50, s. 29.

Aid to agricultural and other bodies.

9. For granting aid to any society, organization or body in the county having for its objects the promotion or protection of agriculture, education, or social welfare, where no specific authority for granting such aid is contained in any statute; provided the amount of aid which may be granted under the authority of this paragraph shall in the aggregate not exceed \$5,000 in any year. 1935, c. 43, s. 6.

#### **418. By-laws may be passed by the councils of counties:**

##### *Width of Sleigh Runners.*

Sleigh runners.

1. For providing that no sleigh or other vehicle upon runners for the conveyance of articles of burden, goods, wares or merchandise shall be used by any person residing within the municipality on any of the highways within the municipality unless the runners thereof, measuring from centre to centre, are apart at the bottom at least four feet.

(a) The by-law may exempt from its operation all sleighs or vehicles on runners owned at the time of its passing, by persons resident within the municipality, and shall not come into force until the expiration of one year from the given date upon which it was passed. R.S.O. 1927, c. 233, s. 410; 1928, c. 37, s. 11.

#### **419. By-laws may be passed by the councils of townships in unorganized territory:**

##### *Width of Sleigh Runners.*

Sleigh-runners.

1. For providing that no sleigh or other vehicle upon runners for the conveyance of articles of burden, goods, wares

or merchandise, shall be used by any person on any of the highways within the municipality unless the runners thereof, measuring from centre to centre, are apart at the bottom at least four feet. 1928, c. 37, s. 12.

**420. By-laws may be passed by the councils of cities:**

*Commissioner of Industries.*

1. For the establishment and maintenance of a department of industries and for appointing a commissioner of industries to bring to the notice of manufacturers and others the advantages of the city as a location for industrial enterprises, summer resorts, residential, educational and other purposes. R.S.O. 1927, c. 233, s. 411, par. 1.

*Location of Stables, etc.*

2. For regulating and controlling the location, erection and use of buildings as livery, boarding or sales stables, and stables in which horses are kept for hire or kept for use with vehicles in conveying passengers, or for express purposes, and stables for horses for delivery purposes, laundries, butcher shops, stores, factories, blacksmith shops, forges, dog kennels, hospitals or infirmaries for horses, dogs or other animals and for prohibiting the use of land or the erection or use of buildings for all or any or either of such purposes within any defined area or areas or on land abutting on any defined highway or part of a highway.

(a) The by-law shall not be passed except by a vote of two-thirds of all the members of the council.

(b) This paragraph shall not apply to a building which was on the 26th day of April, 1904, erected or used for any of such purposes, so long as it is used as it was used on that day. R.S.O. 1927, c. 233, s. 411, par. 2; 1930, c. 44, s. 19 (1).

3. Paragraph 2 shall also apply to plumber shops, machine shops, tinsmith shops, moving picture or other theatres and land or buildings used for the storage of builders' plant.

Regulation,  
etc., of  
plumber  
shops, etc.

(a) This paragraph shall not apply to a building which was on the 1st day of May, 1914, erected or used for any of such purposes so long as it is used as it was used on that day. R.S.O. 1927, c. 233, s. 411, par. 3; 1930, c. 44, s. 19 (2).

Regulating  
location of  
private  
hospitals,  
dance halls,  
and under-  
takers'  
establish-  
ments.

4. Paragraph 2 shall also apply to private hospitals, public dance halls and undertakers' establishments, and for the purpose of this paragraph, any hall, room, or building in which dancing is carried on for which a fee is charged or to which any admission fee is demanded or paid, shall be deemed a public dance hall.

(a) This paragraph shall not apply to a building which was on the 1st day of May, 1916, erected or used for any of such purposes nor to any building the plans for which have been approved by the city architect prior to the 1st day of May, 1916.

(b) The passing of a by-law under this section shall not prevent the extension or enlargement of any building, land or premises used for any of the purposes mentioned in this section at the time of the passing of the by-law. R.S.O. 1927, c. 233, s. 411, par. 4; 1930, c. 44, s. 19 (3).

Prohibiting  
sale of  
goods.

5. For prohibiting the sale of goods, wares and merchandise on any private lands within any defined area or areas, or on lands abutting on any defined highways or part of a highway, to which any by-law passed under paragraph 2, 3 or 4 applies.

Location of  
warehouses,  
gasoline  
stations, etc.

6. Paragraph 2 shall also apply to warehouses and gasoline and oil filling stations.

(a) This paragraph shall not apply to a building or station which was on the 1st day of April, 1918, erected or used for any of such purposes, so long as it is used as it was used on that day.

Regulation  
of location  
of awnings,  
tents, etc.

7. Paragraph 2 shall also apply to tents, awnings, or other similar coverings for business purposes and buildings for the housing of motor trucks or apparatus used in any truck cartage business.

(a) This paragraph shall not apply to any such tent, awning or building which was on the 1st day of May, 1919, erected or used for any such purpose so long as it is used as it was used on that day.

Tents for  
human  
habitation.

8. For regulating and controlling the location, erection and use of tents for human habitation and for prohibiting the erection or use of tents for human habitation within any defined area or areas or on land abutting on any defined highway or part of a highway. R.S.O. 1927, c. 233, s. 411, pars. 5-8.



9. Paragraph 2 shall also apply to buildings and premises where coal, coke or other fuel is kept or stored for sale.

Location of buildings for storage of coal, etc.

- (a) This paragraph shall not apply to a building or premises which was on the 1st day of April, 1928, erected or used for any of such purposes, so long as it is used as it was used on that day. 1928, c. 37, s. 13.

10. For regulating and controlling the location of junk shops, junk yards and second-hand shops and of premises for the slaughter of animals or fowl, and for prohibiting the use of land or the erection or use of buildings for all or any of such purposes within any defined area or areas or on land abutting on any defined highway or part of a highway.

Location of junk yards, slaughter houses, etc.

- (a) No by-law passed under this paragraph shall apply to any premises which on the day the by-law is passed are used for the slaughter of animals or fowl so long as such premises continue to be used for the said purpose. 1934, c. 34, s. 11; 1937, c. 47, s. 25 (1).

#### *Licensing Vehicles.*

11. Requiring all residents in the municipality owning and using any wheeled vehicle other than a motor vehicle as defined in *The Highway Traffic Act* to obtain a license therefor before using the same upon any highway of the city; regulating the issuing of such licenses and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licenses, which shall be approved of by the Municipal Board; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

Licensing users of wheeled vehicles.

Rev. Stat. c. 288.

- (a) The by-law may apply to any one or more classes or kinds of wheeled vehicles. R.S.O. 1927, c. 233, s. 411, par. 9; 1928, c. 37, s. 14; 1931, c. 50, s. 30.

#### *Encroachments on Highways, etc.*

12. For allowing any person owning or occupying any building or other erection which by inadvertence has been wholly or partially erected upon any highway to maintain and use such erection thereon and for fixing such annual fee or charge as the council may deem reasonable for such owner or occupant to pay for such privilege.

Case of building encroaching on highway.

- (a) Such fee or charge shall form a charge upon the land used in connection therewith and shall be payable, and payment of it may be enforced in like manner as taxes are payable and the payment of them may be

enforced, but nothing herein contained shall affect or limit the liability of the municipality for all damages sustained by any person by reason of any such erection upon any highway.

Use of  
highway or  
boulevard  
for building  
purposes.

13. For permitting the use of a portion of any highway or boulevard by the owner or occupant of land adjoining such highway or boulevard during building operations upon such land for the storage of materials for such building or for the erection of hoardings; for fixing a fee or charge for such use according to the area occupied and the length of time of such occupation and to collect the same, and for regulating the placing of such materials or hoardings, the restoration of such highway or boulevard to its original condition, the payment of such fee or charge, and the giving of permits for such privilege. R.S.O. 1927, c. 233, s. 411, pars. 10, 11.

*Licensing Garages, Service Stations.*

Public  
garages,—  
licensing, etc.

14. For licensing and regulating the owners of public garages, and for fixing the fees for such licenses, and for imposing penalties for breaches of such by-law and for the collection thereof.

- (a) For the purpose of this paragraph, a public garage shall include a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building used as an automobile repair shop. R.S.O. 1927, c. 233, s. 411, par. 12; 1937, c. 47, s. 25 (2).

Automobile  
service  
stations.

15. For licensing, regulating and governing the owners or keepers of automobile service stations located or erected since the 25th day of June, 1928, within any defined area or areas or on land abutting on any defined highway or part of a highway in which area or areas or on which land the erection or location of garages to be used for hire or gain or gasoline and oil filling stations was on the said date or at any time thereafter prohibited by a by-law passed under the authority of section 421 or of paragraph 6 of this section, and for fixing a fee not exceeding \$10 for such license, and for providing that a license shall not be granted to any person as an owner of a public garage located or erected within any such area or on any such land notwithstanding that prior to the passing of this section any such person may have been granted a license as the owner of a public garage.

- (a) For the purposes of this paragraph, an automobile service station shall mean and include a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark-

plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed.

- (b) No person owning or keeping an automobile service station licensed under this paragraph shall use or permit the same to be used for the purpose of wrecking, parking, storing or selling motor vehicles, or, except in an enclosed building for washing motor vehicles, or for vulcanizing tires or tubes or for exhibiting for sale any accessories mentioned in clause *a* except in an enclosed building, or for exhibiting the same for sale in any display window, or for performing therein any repairs to motor vehicles other than those mentioned in clause *a*, or for storing and keeping for sale any article, accessory or merchandise of any kind other than those expressly mentioned in clause *a* hereof, and it shall be the duty of such owner or keeper to prevent the use of an automobile service station for any such prohibited purpose.
- (c) The owner or keeper of an automobile service station guilty of any infraction of any of the provisions of clause *b* shall be subject to the penalties set forth in the by-law permitting the location or erection thereof or the licensing of the same as for an infraction of such by-law.
- (d) Nothing in this paragraph contained shall be deemed to authorize the location or erection of any automobile service station contrary to any by-law in force under the provisions of section 406. 1933, c. 37, s. 12.

16. For limiting the number of public garages and automobile service stations where gasoline is stored or kept for sale. 1937, c. 47, s. 25 (3). Limitation  
of number  
of garages,  
etc.

*Tussock Moths.*

17. For requiring persons to destroy all tussock moths and the cocoons thereof on trees or elsewhere upon the premises owned or occupied by them. R.S.O. 1927, c. 233, s. 411, par. 13. Destruction  
of tussock  
moths.

**421. By-laws may be passed by the councils of cities and of towns having a population of not less than 5,000:**

*Apartment Houses, Tenement Houses and Garages.*

Location of  
apartment  
houses and  
garages.

1. For prohibiting or for regulating and controlling the location or erection within any defined area or areas or on land abutting on defined highways or parts of highways of apartment or tenement houses and of garages to be used for hire or gain.

(a) For the purposes of this paragraph, an apartment or tenement house shall mean a building proposed to be erected or altered for the purpose of providing three or more separate suites or sets of rooms for separate occupation by one or more persons.

(b) This paragraph shall apply to garages, whether motor vehicles are kept therein for hire or gain or not, but shall not apply to a garage where space for not more than two motor vehicles is rented or to a garage which is for the sole and exclusive use of the owner or occupant of the land. R.S.O. 1927, c. 233, s. 412.

Location of  
incinerator  
plants, etc.

2. For prohibiting or for regulating and controlling the location or erection within any defined area or areas or on land abutting on defined highways or parts of highways of any incinerator or other building, plant or machinery to be used for the destruction or disposal of garbage, ashes or other refuse. 1931, c. 50, s. 31.

Location of  
lumber  
yards, etc.

3. For regulating and controlling the location of yards in which new or used lumber, wood, building materials or building supplies are stored or kept for sale and planing mills, and for providing that the same shall not be located until a permit is first obtained from the council, and for prohibiting the location of the same or any of them in defined areas or upon land abutting on defined highways or portions of highways. 1934, c. 34, s. 12.

**422. By-laws may be passed by the councils of cities having a population of not less than 50,000:**

R.S.O. 1927, c. 233, s. 413 *part*; 1933, c. 37, s. 13.

*Building By-law—Deviation from Requirements of.*

Deviation  
from by-law  
regulating  
erection of  
buildings.

1. For authorizing the city architect or other officer appointed for that purpose to permit in special cases, which in his judgment warrant it, such deviation from the by-laws regulating the erection of buildings as he may deem proper.

*National Waterways Association.*

Membership  
in National  
Waterways  
Association.

2. For the corporation becoming a member of the National Waterways Association of Canada and paying the fees for such



membership and for making contributions towards the expenses of such association and paying the expenses of delegates to any meeting of it or upon its business.

*Speedways.*

3. For setting apart one or more highways or parts of highways on which horses may be ridden or driven more rapidly than is permitted upon other highways, and for regulating the use for such purpose of any such highway. Setting apart streets for fast driving.

(a) If a majority of the property owners on any such street petition against such by-law, it shall be repealed.

*Unslaughtered Cattle.*

4. For authorizing the seizing, in order to prevent their use as food, of unslaughtered cattle, sheep, calves and hogs which have died within the municipality, and for disposing of the carcasses so as not to endanger the public health, and so as to secure to the owner such value as remains over and above the expenses incurred in disposing of them. R.S.O. 1927, c. 233, s. 413, pars. 1-4. Seizure of cattle, etc., unfit for food.

**423. By-laws may be passed by the councils of towns, villages and townships:**

1934, c. 34, s. 13.

1. For prescribing the distance from the line of street in front of it at which no building shall be erected or placed. Building line.

(a) The by-law shall apply only to streets which are less than sixty-six feet in width, and it shall not be necessary that the distance shall be the same on all parts of the same street.

2. For requiring that in connection with all buildings hereafter erected and used solely as residences, there shall be a passageway at one side thereof of at least two feet in width from front to three feet in rear of such building. R.S.O. 1927, c. 233, s. 414, pars. 1, 2. Passage-ways.

3. For exercising the powers conferred on cities by paragraphs 2 to 17 of section 420 and by section 421. Controlling location of certain businesses, etc.

(a) This paragraph shall not apply to a building which was on the day the by-law is passed erected or used for any of the purposes enumerated in said sections 420 and 421. 1931, c. 50, s. 32.

Licensing,  
regulating  
teamsters,  
carters,  
draymen,  
etc.

4. For licensing, regulating and governing teamsters, carters, draymen, drivers and owners of cabs, busses, motor and other vehicles for hire and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers within the township. R.S.O. 1927, c. 233, s. 414, par. 4; 1937, c. 47, s. 26 (1).

Emission of  
smoke.

5. For requiring the owner, lessee, tenant, agent, manager or occupant of any premises in, or of a steam boiler in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at any other point than the opening to the atmosphere of the flue, stack or chimney.

(a) This paragraph shall not apply to a furnace or fire used in connection with the reduction, refining or smelting of ores or minerals, or the manufacture of cement or to dwelling houses, except apartment houses.

(b) No person shall incur a penalty for an infraction of the by-law until ninety days after notice from the corporation of the existence of such by-law and such notice may be given by publication of the by-law in the *Ontario Gazette* and in a daily newspaper for four successive weeks. R.S.O. 1927, c. 233, s. 414, par. 5; 1937, c. 47, s. 26 (2).

Building  
restrictions.

6. For exercising all the powers conferred on cities, towns, villages and townships abutting on an urban municipality, by paragraph 2 of section 406 with reference to regulating the height, bulk, spacing and character of buildings to be erected within any defined area or abutting on any defined highway.

Prohibiting  
children  
from riding  
behind  
waggons,  
etc.

7. For prohibiting children from riding on the platforms of cars, or riding behind or getting on waggons, sleighs, or other vehicles while in motion, and for preventing accidents arising from such causes.

Right of way  
on streets  
for fire reels.

8. For providing that the reels, engines and vehicles of the fire department shall have the right of way on the streets and highways while proceeding to a fire or answering a fire alarm call.

Establishing  
fire com-  
panies, etc.

9. For appointing fire wardens, fire engineers and firemen and for promoting, establishing, and regulating fire, hook-and-ladder, and property saving companies.

Naming and  
surveying  
streets.

10. For exercising all the powers conferred on urban municipalities by paragraph 39 of section 407 with respect to the naming and surveying of streets.

11. For prohibiting the leading, riding or driving of horses or cattle upon sidewalks or in other places not proper therefor.

Driving  
etc., upon  
sidewalks.

12. For regulating the location, erection and use of stables, garages, barns, outhouses and manure pits.

Location  
of stables,  
garages, etc.

13. For exercising all the powers conferred on urban municipalities by paragraph 47 of section 407 with respect to regulating traffic on highways.

Traffic on  
highways.

14. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, vegetables, grain, hay, fruit, beverages, smallwares and other articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

Regulating  
vending in  
streets.

15. For licensing and regulating electrical workers.

Electrical  
workers.

(a) The by-law shall not apply to employees of any public service commission or corporation. R.S.O. 1927, c. 233, s. 414, pars. 6-15.

16. For exercising the powers conferred on cities and towns by paragraphs 4 and 13 of section 414. 1933, c. 37, c. 14; 1935, c. 43, s. 7.

Tourist  
camps and  
lending  
libraries.

**424.**—(1) The council of a township bordering on or situate within ten miles of a city having a population of not less than 200,000 may, with the assent of the electors qualified to vote on money by-laws in a defined area of the township enter into an agreement with any person for granting to such person the exclusive right, for a period not exceeding ten years, to maintain and operate busses for the conveyance of passengers in such area, over such highways in the area and at such rates for fares and charges and on such other terms and conditions as may be thought proper and providing that any deficit in operation shall be met by a special rate levied on all the rateable property in such area.

Agreement  
for operation  
of  
busses for  
defined area  
of township.

(2) The defined area shall not include any part of the township which is covered by any agreement to which the township is a party respecting the furnishing of transportation facilities for passengers.

What part of  
township  
not to be  
included.

(3) The agreement shall not affect a permit granted under *The Public Vehicle Act*.

Rev. Stat.  
c. 289.

(4) The rates for fares and charges may from time to time be increased or decreased by the Municipal Board once in any one year on the application of the township in consequence of any deficit or surplus resulting in the operation of the service. 1929, c. 58, s. 10.

Increase or  
decrease of  
fares.

**425. By-laws may be passed by the councils of townships:***Fires—Prevention of.*

Prevention  
of fires.

1. Within defined areas, where the number of the inhabitants or the proximity of buildings in any part of the township renders it expedient to do so, for exercising the powers conferred on the councils of urban municipalities by paragraphs 3, 4, 5, 8, 9 and 18 to 37 of section 407. R.S.O. 1927, c. 233, s. 415, par. 1; 1934, c. 34, s. 14.

Erection of  
fire hall,  
purchase of  
fire engines,  
etc.

2. For acquiring land for and erecting thereon a fire hall and for purchasing and installing fire engines, hydrants, apparatus and appliances for fire protection of any defined area of the township at a cost not exceeding \$20,000 and for the issue of debentures to meet such cost payable in equal annual instalments of principal and interest during a period not exceeding ten years, and for levying a special annual rate on all the rateable property in such area according to the last revised assessment roll sufficient to meet such annual instalments of principal and interest.

(a) The by-law shall not be passed except with the assent of the electors qualified to vote on money by-laws in such area.

(b) The annual instalments of principal and interest shall not exceed the amount which would be produced by the levy of a special rate of two mills in the dollar on the rateable property in such area according to the then last revised assessment roll. R.S.O. 1927, c. 233, s. 415, par. 2.

Appointing,  
insuring and  
paying of  
firemen.

3. For appointing, insuring and paying firemen and others employed in connection with the fire hall and for levying a special annual rate on all the rateable property in such area according to the last revised assessment roll to meet the cost thereof and the cost of the maintenance and repair of such fire hall, fire engines, apparatus and appliances; provided that where two-thirds of the owners of lands in the area, according to the last revised assessment roll, petition therefor, the council may by by-law levy the special annual rate for the purposes mentioned in this paragraph upon that part of the rateable property in the area which consists of the assessments for buildings only as shown on the said assessment roll. R.S.O. 1927, c. 233, s. 415, par. 3; 1933, c. 37, s. 15 (1).

Contracting  
with adjoining  
municipality for  
fire protec-  
tion.

4. For entering into a contract with the corporation of an adjoining municipality for the use, service and assistance of the fire brigade and the fire apparatus and equipment of such corporation in the event of fire in any defined area of the township



and for levying a special annual rate on all the rateable property in such area to defray the expenses incurred under and incidental to such contract. 1928, c. 37, s. 15.

5. For entering into a contract with the corporation of any other municipality or municipalities for establishing, providing and maintaining, jointly, a fire brigade, fire halls, fire engines, apparatus and equipment and for the maintenance and use thereof upon such basis as to the distribution of cost as the contract may stipulate. Establishment of joint fire brigade by municipalities.

(a) Each municipality shall issue its own debentures for its share of the capital cost of providing the said fire services, and the provisions of paragraphs 1 to 4 shall be applicable. 1935, c. 43, s. 8.

6. For authorizing the reeve, or deputy reeve, or, in case of the absence of the reeve and deputy reeve, any member of the council, in the event of an emergency arising in the township by reason of timber or forest fires, to call out such number of resident male inhabitants of the township as may be necessary to fight and put out any such fires, and for fixing the amount of the remuneration to be paid to such residents for the services rendered by them. Authority to call out help.

*Garbage, Ashes, etc.—Removal of.*

7. For exercising the powers conferred on cities and towns by paragraph 2 of section 414, with reference to the collection, removal and disposal by the corporation of ashes, garbage and other refuse. Removal of ashes, garbage, etc.

*Portable Steam Engines.*

8. For prescribing the distance from a highway within which unenclosed portable steam engines may not be used for running a sawmill or a shingle mill. Restrictions on operation.

*Sleighbg—Keeping Highways Open During Season of.*

9. For providing for keeping open the highways during the season of sleighbg in each year, and for the application of so much of the commutation of the statute labour fund, as may be necessary for that purpose. Keeping open in winter.

10. For requiring the overseers of highways or the pathmasters to make and keep open the highways during the season of sleighbg. Requiring overseers of highways to keep open highways.

Powers  
of overseers.

- (a) Such overseers and pathmasters may require the persons liable to perform statute labour to assist in keeping open such highways, and shall give to any person so employed a certificate of his having performed statute labour and of the number of days' work done, for which he shall be allowed on his next season's statute labour.

*Streams, Creeks and Watercourses—Prohibiting Obstruction of.*

Prohibiting  
obstruction  
of streams,  
etc.

11. For prohibiting the obstruction of streams, creeks and watercourses, by trees, brushwood, timber or other materials, and for requiring the clearing away and removing of the obstructions by the person causing the same.

*Weighing Machines.*

Erecting  
and main-  
taining  
weighing  
machines.

12. For erecting and maintaining weighing machines within the municipality or within an adjacent village, and charging fees for the use thereof, not being contrary to the limitations prescribed by subsection 8 of section 409.

*Wet Lands.*

Purchase  
of wet lands  
from Gov-  
ernment.

13. For purchasing any wet land in the township, the price of which, in case of Crown lands, shall be fixed by the Lieutenant-Governor in Council, and for draining such land. R.S.O. 1927, c. 233, s. 415, pars. 4-11.

*Naming Streets and Numbering Houses.*

Naming  
streets, etc.

14. For naming and changing the names of and surveying streets and for numbering houses and lots under and in conformity with paragraphs 39 and 40 of section 407. R.S.O. 1927, c. 233, s. 415, par. 12; 1933, c. 37, s. 15 (2).

Numbering  
buildings  
and lots in  
parts of  
township.

15. For numbering the buildings and lots along any highway, street, beach, park, reserve or any other property in the township which is considered necessary to number by the township council, and for affixing numbers to the buildings, and for charging the owner or occupant with the expense incident to the numbering of his building, lot or property.

- (a) Such expense may be collected in the same manner as taxes, and if paid by the occupant, subject to any agreement between him and the owner, may be deducted from the rent payable to the owner.

16. For keeping, and every such council shall keep, a record of the highways, streets, beaches, parks, reserves and of the numbers of the buildings and lots, and for entering therein, and every such council is hereby required to enter therein, a division of the streets with boundaries and distances for public inspection. R.S.O. 1927, c. 233, s. 415, pars. 13, 14.

*Lavatories, etc.*

17. For constructing and maintaining lavatories, urinals, water closets and like conveniences where deemed requisite upon the highways, streets, beaches, public places or elsewhere, and for supplying them with water, and for defraying the expenses thereof and keeping them in repair and good order, and for providing that such expenses shall be defrayed by a special rate upon the rateable property in the whole municipality, or in any defined area or areas thereof, as set forth in the by-law. R.S.O. 1927, c. 233, s. 415, par. 15; 1937, c. 47, s. 27.

*Certain Townships in Unorganized Territory—Power to Pass By-laws.*

**426.** The council of a township in unorganized territory having a population of not less than 5,000 and which has been declared by order of the Municipal Board to be a township part of which is so built up and populated as to entitle it to be incorporated as a town under the provisions of this Act may pass by-laws for the purposes mentioned in:

- (a) Paragraph 4 of section 407, under the heading "*Buildings—Strength of Walls, Beams, etc.*"
- (b) Paragraph 7 of section 407, under the heading "*Cab Stands and Booths.*"
- (c) Paragraph 8 of section 407, under the heading "*Cellars—Plans of.*"
- (d) Paragraph 46 of section 407, under the heading "*Stables, etc.*"
- (e) Sections 408 and 409, under the heading "*Markets, etc.*"
- (f) Section 416, under the heading "*Vehicles used for Hire, etc.—Livery and Boarding Stables.*"
- (g) Section 428, under the heading "*Auctioneers.*"
- (h) Section 430, under the heading "*Junk and Second-hand Shops, etc.*"

(i) Paragraph 1 of section 435.

(j) Paragraph 1 of section 438, under the heading "*Sale of Meat.*"

(k) Paragraph 2 of section 438, under the heading "*Tobacconists.*" 1929, c. 58, s. 11.

**427. By-laws may be passed by the councils of villages:**

Residential  
streets and  
building line.

1. For exercising the powers conferred on cities and towns by paragraph 9 of section 414 with reference to residential streets and building line.

Removal of  
ashes and  
garbage.

2. For exercising the powers conferred on cities and towns by paragraphs 1 and 2 of section 414. R.S.O. 1927, c. 233, s. 416.

**428. By-laws may be passed by the councils of counties, separated towns and towns in unorganized territory and of cities having a population of less than 100,000 and by boards of commissioners of police of cities having a population of not less than 100,000:**

*Auctioneers.*

Licensing,  
etc.,  
auctioneers.

1. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, and for prohibiting the granting of a license to an applicant who is not of good character, or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is deemed not desirable that the business should be carried on; for ascertaining by such means as the by-law may provide whether an applicant is not of good character or his premises are not suitable for the business and for determining the time the license shall be in force.

(a) No such by-law shall apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent. R.S.O. 1927, c. 233, s. 417.

**429. By-laws may be passed by the councils of counties and towns, and of cities having a population of less than 100,000 and by boards of commissioners of police of cities having a population of not less than 100,000:**

*Bill Posters.*

Licensing,  
regulating  
and govern-  
ing bill  
posters, sign  
painters, etc.

1. For licensing, regulating and governing bill posters, advertising sign painters, bulletin board painters, sign posters and bill distributors, and for prohibiting the posting up or distributing of posters, pictures or hand bills which are indecent or tend to corrupt morals.



- (a) A by-law of a county passed under this paragraph shall not have force in a town which has passed a by-law for a similar purpose. R.S.O. 1927, c. 233, s. 418.

**430. By-laws may be passed by the councils of counties, towns and of townships bordering on a city having a population of not less than 100,000, and by boards of commissioners of police of cities:**

*Junk and Second-Hand Shops, etc.*

1. For licensing, regulating and governing junk shops, junk yards, second-hand shops and dealers in second-hand goods, and for revoking the license.

Licensing  
and regulat-  
ing junk  
shops, etc.

- (a) "Dealers in second-hand goods" shall include persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods.
- (b) The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in paragraph 1, either on his account or as the agent or servant of another person, to take out a license.
- (c) The power of licensing shall not apply to persons engaged in any of the objects mentioned in paragraph 1 for patriotic or charitable purposes.
- (d) For the purpose of this Act, "junk yard" shall include an automobile wrecking yard or premises, and "second-hand goods" shall include waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and junk.
- (e) The fee to be paid for the license shall not exceed \$20 for one year.
- (f) A by-law of a county passed under this paragraph shall not have force in any municipality in the said county after any such municipality hereby authorized so to do has passed a by-law for a similar purpose.
- (g) Any license issued under paragraph 1 may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified in the license and such licensee shall not be entitled to deal in any class of second-hand goods not covered by his license. R.S.O. 1927, c. 233, s. 419; 1934, c. 34, s. 15.

**431. By-laws may be passed by the councils of counties, separated towns and towns in unorganized territory:**

*Public Fairs.*

Public fairs  
for sale of  
cattle, etc.

1. For authorizing, on petition of at least fifty electors, the holding at one or more of the most public and convenient places in the municipality public fairs restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement.

Rules for  
governing  
same.

(a) The by-law shall prescribe rules and regulations for the government of the fairs, and appoint a person to see that they are carried out, and shall also fix the fees to be paid to him by persons attending the fair, and public notice of the passing of the by-law shall be forthwith given by the council. R.S.O. 1927, c. 233, s. 420, par. 1.

Notice of  
passing of  
by-law.

*Surgeons in Public Institutions.*

Appoint-  
ment of  
surgeons.

2. For appointing one or more surgeons for the institutions, other than the goal, under the control of the corporation. 1937, c. 47, s. 28.

**432. By-laws may be passed by the councils of counties, cities, separated towns and towns in unorganized territory:**

*Tanneries.*

Defining  
areas in  
which cer-  
tain trades  
may not be  
carried on.

1. For defining areas within which tanneries, rag, bone, or junk shops, or industries of a noxious or unhealthy character, may not be carried on.

(a) This paragraph shall not apply to a tannery erected before the 7th day of April, 1890. R.S.O. 1927, c. 233, s. 421.

**433. By-laws may be passed by the councils of townships, counties, towns and villages, and of cities having a population of less than 100,000, and by boards of commissioners of police of cities having a population of not less than 100,000:**

1934, c. 34, s. 16.

*Hawkers and Pedlars.*

Licensing,  
etc.,  
hawkers,  
petty chap-  
men.

1. For licensing, regulating and governing hawkers, pedlars and petty chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses, on foot, or with any animal, vehicle, boat, vessel, or other craft, bearing or drawing goods, wares, or merchandise for sale, or otherwise carrying goods, wares or merchandise for sale or

who go from place to place or to other men's houses to take orders for coal oil or other oil which is to be delivered afterwards from a tank car moved on a railway line, or who go from place to place or to a particular place to make sales or deliveries of coal oil or other oil from such tank car.

- (a) No such license shall be required for hawking, peddling or selling goods, wares or merchandise to a retail dealer, or for hawking, peddling or selling goods, wares or merchandise, the growth, produce or manufacture of Ontario, not being liquors within the meaning of *The Liquor Control Act*, if the same are hawked or peddled by the manufacturer or producer of them, or by his *bona fide* servants or employees having written authority to do so. When license not required. Rev. Stat. c. 294.
- (b) Such servant or employee shall exhibit his authority when required so to do by any municipal or peace officer. Production of authority of servant.
- (c) In a prosecution for a breach of the by-law the onus of proving that he does not for either of the reasons mentioned in clause *a* require to be licensed shall be upon the person charged. Onus of proof that no license required.
- (d) Nothing in this paragraph shall affect the powers to pass by-laws, under sections 408 and 409, paragraph 1 of section 438, and paragraphs 5 and 6 of section 439. Certain powers not affected.
- (e) "Hawkers" in this paragraph shall include agents for persons not resident within the county, who sell or offer for sale tea, coffee, spices, baking powder, dry goods, watches, plated ware, silver ware, furniture, carpets, upholstery, millinery, coal oil, tinware, carpet-sweepers and electrical appliances, or jewellery, spectacles or eyeglasses, or who carry and expose samples or patterns of any such article, which is to be afterwards delivered within the county to a person not being a wholesale or retail dealer in such article. R.S.O. 1927, c. 233, s. 422, par. 1, cls. (*a-e*). "Hawkers." meaning of.
- (f) Where the council of a town, village or township not separated from a county has passed a by-law under this paragraph the by-law of the county shall not be in force in said town, village or township while the by-law of such town, village or township remains in force. R.S.O. 1927, c. 233, s. 422, par. 1, cl. (*f*); 1932, c. 29, s. 18 (2). Force of by-law of town, etc., not separated.
- (g) The fee to be paid for the license under by-laws passed under this paragraph may be lower in the case Fees.

of persons who have resided continuously within the municipality for which the license is sought for at least one year prior to the application therefor than in the case of persons who have not so continuously resided, but in cities having a population of not less than 100,000, the fee shall not be more than \$50 for a motor vehicle or a two-horse waggon, \$30 for a one-horse waggon, \$15 for a push-cart, \$10 for one carrying a pack, and \$1 for one carrying a basket.

License to  
be produced  
on demand.

- (h) The licensee shall at all times whilst carrying on his business have his license with him and shall upon demand exhibit it to any municipal or peace officer, and if he fails to do so shall, unless the same is accounted for satisfactorily, incur a penalty of not less than \$1 or more than \$5.

Penalty.

- (i) If a peace officer demands the production of a license by any persons to whom the by-law applies and the demand is not complied with, it shall be the duty of the peace officer, and he shall have power to arrest such person without a warrant and to take him before the nearest justice of the peace, there to be dealt with according to law. R.S.O. 1927, c. 233, s. 422, par. 1, cls. (g-i).

Supplying  
licenses.

2. For providing the treasurer or clerk of the county, or the clerk of any municipality within the county with licenses under by-laws passed under paragraph 1 of section 428 and paragraph 1 of this section to be issued under such regulations as may be prescribed to persons applying for them.

Prohibiting  
sale of fruit,  
etc., on pub-  
lic streets,  
etc.

3. For prohibiting the sale of fruit, candy, peanuts, ice cream or ice cream cones from a basket, or a waggon, cart or other vehicle upon any highway or part of it, or in any public park or other public place.

Proviso.

- (a) The by-law shall not apply to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof. R.S.O. 1927, c. 233, s. 422, pars. 2, 3.

Licensing  
dealers in  
fruit.

4. For licensing, regulating and governing persons not being wholesale dealers residing in Ontario who go from place to place or to a particular place to make sales or deliveries of fruits and garden produce to a retail dealer and for licensing, regulating and governing bakers, butchers and grocers whose place of business is out of Ontario but who go from place to place or to a particular place in Ontario to make sales or



deliveries of bread, meat and groceries to any person other than to a retail dealer.

(a) The fee to be paid for the license shall not exceed <sup>Fee.</sup>  
\$250.

(b) The provisions of clauses *f*, *h* and *i* of paragraph 1 shall apply to a by-law passed under this paragraph. <sup>Application of par 1 to by-law.</sup>  
R.S.O. 1927, c. 233, s. 422, par. 4; 1930 c. 44, s. 21.

**434.** A by-law passed by a council of a county under the provisions of section 433 shall, whether the same is mentioned or not, cover and include the boundary line or highway between such county and an adjoining county, and a sale made on said boundary line or highway to a resident of a county in which such by-law is in force shall be and constitute a breach of such by-law in the same manner and with like consequence and effect as if made wholly within the said county. R.S.O. 1927, c. 233, s. 423. <sup>By-law to cover sales on county boundary lines.</sup>

**435.** By-laws may be passed by the councils of counties, cities and towns and of townships bordering on a city having a population of not less than 100,000:

1. For licensing, regulating and governing the business of dry cleaners, dry dyers, cleaners and pressers and persons engaged in those and similar businesses in which gasoline, carbon bisulphide, naphtha, benzine, benzol, or other light petroleum or coal tar products or volatile or inflammable liquids are used for imposing and collecting a license fee from persons engaging in any such business; for delegating to the architect or some other person the duty of issuing such licenses and signing the same on behalf of the municipality, and for authorizing the architect or some other person named to allow such variation from the standard requirements in the case of existing businesses as he may approve of where such variation will not, in his opinion, unreasonably prejudice the safety of the public, and for establishing a maximum and minimum tariff of charges to be made by persons engaging in any such business. <sup>Licensing, etc., dry cleaners, pressers, etc.</sup>  
<sup>License fee.</sup>  
<sup>Issue of licenses.</sup>  
<sup>Authority of architect, etc., to vary requirements in certain cases.</sup>

(a) Where the council of a town or township has passed a by-law under this section the by-law of the county shall not be in force in such town or township while the by-law of such town or township remains in force. <sup>Application of by-law.</sup>  
R.S.O. 1927, c. 233, s. 424; 1930, c. 44, s. 22; 1934, c. 34, s. 17.

**436. By-laws may be passed by the councils of counties, towns, villages and townships and of cities having a population of less than 100,000, and by boards of commissioners of police of cities having a population of not less than 100,000:**

*Intelligence Offices.*

Licensing  
intelligence  
offices.

1. For licensing and governing suitable persons to keep intelligence offices for the purpose of registering the names and residences of servants, workmen, clerks and other persons seeking employment and procuring employment for them and giving information to them and to persons in need of their services; for fixing the fees to be charged by the keepers of such offices, and the duration of the license; for regulating such intelligence offices, and for revoking any such license.

Regulation.

Revocation  
of license.

Fees.

(a) The license fee shall not exceed \$10 for one year.

*Victualling Houses, etc.*

Limiting  
number of,  
and licensing  
victualling  
houses, etc.

2. For limiting the number of and licensing and regulating victualling houses, ordinaries, and houses where fruit, fish, oysters, clams or victuals are sold to be eaten therein, and places for the lodging, reception, refreshment or entertainment of the public, and for revoking the license.

Revocation  
of license.

Fees.

(a) The sum to be paid for the license shall not exceed \$20.

Licensing  
food shops.

3. For licensing, regulating and controlling all places where food stuffs intended for human consumption are made for sale, offered for sale, stored or sold.

Fees.

(a) The license fee shall not exceed the sum of \$1 for one year. R.S.O. 1927, c. 233, s. 426.

**437. By-laws may be passed by the councils of towns and cities having a population of less than 100,000, and by boards of commissioners of police of cities having a population of not less than 100,000:**

*Electrical Workers.*

Electrical  
workers.

1. For examining, licensing and regulating electrical workers.

(a) The by-law shall not apply to the employees of any public service commission or corporation. R.S.O. 1927, c. 233, s. 427.

**438. By-laws may be passed by the councils of towns and villages and of townships bordering on a city having a population of not less than 100,000, and of cities having a population of less than 100,000 and by the boards of commissioners of police of cities having a population of not less than 100,000:**

*Sale of Meat.*

Regulating  
sale of meat.

1. For regulating the storage, handling and sale of fresh meats and of fresh fish and prescribing the equipment and

appliances necessary to conduct such business under sanitary conditions, and for granting annually or oftener licenses for the sale of fresh meat in quantities less than by the quarter carcass and of fresh fish and fixing and regulating the places where such sale shall be allowed, and for prohibiting the sale of fresh meat in less quantities than the quarter carcass and of fresh fish, unless by a licensed person and in a place authorized by the council.

- (a) The power conferred by paragraph 1 shall not be affected or restricted by anything in section 409.
- (b) Nothing in paragraph 1 shall affect the powers conferred by paragraphs 3 and 4 of section 408.
- (c) The fee to be paid for the license shall not exceed \$50 in a city and \$25 in a town, township or village.

*Tobacconists.*

2. For licensing, regulating and governing keepers of stores and shops where tobacco, cigars or cigarettes are sold by retail, and for revoking any license granted. R.S.O. 1927, c. 233, s. 428.

**439. By-laws may be passed by the councils of towns, townships, villages and cities having a population of less than 100,000 and by boards of commissioners of police in cities having a population of not less than 100,000:**

*Bagatelle and Billiard Tables.*

1. For licensing, regulating and governing persons who for hire or gain, and proprietary clubs which directly or indirectly keep, or have in their possession, or on their premises any billiard, pool or bagatelle table, or keep or have any such table, whether used or not, in a house or place of public entertainment or resort; for limiting the number of licenses to be granted and the number of such tables which shall be licensed and for revoking any license granted.

- (a) "Proprietary club" shall mean and include all clubs other than those in which the use of any such table is only incidental to the main objects of the club. R.S.O. 1927, c. 233, s. 429, par. 1.

*Exhibitions, Places of Amusement, etc.*

2. For regulating and licensing, subject to the provisions of *The Theatres and Cinematographs Act*, exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving pic-

Billiard,  
pool and  
bagatelle  
tables.  
Exhibitions,  
bowling  
alleys, etc.  
Rev. Stat.  
c. 319.

ture shows, public halls and all places of amusement, and for prohibiting the location of them, or a particular class of them, on land abutting on any highway or part of a highway to be named in the by-law and for revoking any license granted. R.S.O. 1927, c. 233, s. 429, par. 2; 1931, c. 50, s. 33.

### *Plumbers.*

3. For licensing, regulating and governing plumbers, master plumbers and journeymen plumbers.

"Master plumber."

- (a) For the purpose of this paragraph "master plumber" shall mean a person who is skilled in the planning, superintending and installation of plumbing, is familiar with the laws, rules and regulations governing the same, has a regular place of business in the municipality and who himself or by journeymen plumbers in his employ performs plumbing work.

"Journeyman plumber."

- (b) "Journeyman plumber" shall mean a person other than a master plumber who has been in the employ of a master plumber for not less than one year and desires to follow plumbing as his calling.

### *Shows.*

Exhibitions of wax works, shows, etc.

4. For prohibiting or regulating and licensing exhibitions of wax works, menageries, circus-riding, and other like shows usually exhibited by showmen, and for regulating and licensing roller skating rinks and other places of like amusement, and merry-go-rounds, switchback railways, carousals and other like contrivances, and for imposing penalties not exceeding the amount of the license fee on offenders against the by-law, and for levying the same by distress and sale of the goods and chattels of the showman or proprietor, or belonging to or used in such exhibition or show whether owned or not owned by such showman or proprietor.

Licenses not to be granted for certain times and places.

- (a) A license shall not be granted for any such exhibition or show to be held on the days of the exhibition of any district or township agricultural society, within three hundred yards from the grounds of the society or for any such exhibition or show in or in connection with which gambling is carried on or goods, wares or merchandise are sold or trafficked in.

Fees.

- (b) The fee to be paid for the license shall not exceed \$500.



*Transient Traders.*

5. For licensing, regulating and governing transient traders and other persons whose names have not been entered on the assessment roll in respect of income or business assessment for the then current year, and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner. R.S.O. 1927, c. 233, s. 429, pars. 3-5. Licensing and regulating transient traders.

6. For requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time, in respect of income or business assessment, and who so offer goods, wares or merchandise for sale, to pay a license fee before commencing to trade. R.S.O. 1927, c. 233, s. 429, par. 6, *part*. Requirement as to obtaining license before doing business.

For the purpose of paragraphs 5 and 6,—

(a) "Transient traders" shall include any person commencing business who has not resided continuously in the municipality for at least three months next preceding the time of his commencing such business there. 1929, c. 58, s. 12, *part*. "Transient traders," what to include.

(b) The by-law shall not apply to the sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire so long as no goods, wares or merchandise are added to such stock. 1930, c. 44, s. 23. Stock of insolvent.

(c) The by-law shall not apply to the sale of a business to a *bona fide* purchaser who continues the same. 1929, c. 58, s. 12, *part*. Bona fide purchaser.

(d) Subject to the provisions of clause *e*, the fee to be paid for a license in the case of a transient trader shall not be less than \$100 in any municipality and shall not exceed in a city or town \$500 and in a township or village \$300. 1929, c. 58, s. 12, *part*; 1933, c. 37, s. 16 (1); 1936, c. 39, s. 27. Fees.

(e) The fee to be paid for the license by a farmer, resident in Ontario, who offers for sale only the produce of his own farm shall not exceed \$5. 1933, c. 37, s. 16 (2). Resident fee.

Credit of  
fees on  
taxes.

(f) The sum paid for a license shall be credited to the person paying it on account of taxes thereafter payable by him.

Penalty  
for offence  
under this  
Act.

(g) Every transient trader who carries on business without a license shall be guilty of an offence and shall incur a penalty equal to the license fee which he should have paid and in addition thereto the sum of not less than \$10 and not more than \$200.

License to be  
displayed.

(h) Every transient trader shall cause his license to be prominently and permanently displayed in his place of business during the full term in which he is carrying on business as a transient trader and in default thereof shall incur a penalty of not less than \$1 or more than \$10.

Penalty.

Application  
for license  
to contain  
certain  
information.

(i) Every applicant for a transient trader's license shall as part of his application for such license furnish a statement in writing containing a full description of the goods, wares or merchandise which he proposes to sell or offer for sale under such license. 1929, c. 58, s. 12, *part*.

**440. By-laws may be passed by the councils of towns and villages and boards of commissioners of police in cities:**

*Bands and Musical Instruments.*

Bands of  
music.

1. For regulating or prohibiting the playing of bands and of musical instruments in any highway, park, or public place except by a military band attached to any regular corps of the Militia of Canada when on duty, under the command of its regular officer.

*Junk Stores—Purchasing or Receiving Pledges from Minors.*

Junk shops  
buying from  
minors.

2. For prohibiting keepers of second-hand shops or junk stores or shops, directly or indirectly purchasing from, exchanging with, or receiving in pledge from any minor appearing to be under the age of eighteen years, without written authority from a parent or guardian of such minor, any metals, goods, or articles. R.S.O. 1927, c. 233, s. 430.

*Newspapers and Magazines—Sale of.*

Sale of  
newspapers  
and maga-  
zines on  
streets.

3. For licensing, regulating and governing persons selling newspapers and magazines upon any highway and for restricting the operations of such persons to a particular location upon a highway and for restricting the operations of such persons to the sale of newspapers and magazines only and for prohibiting the selling or offering for sale upon any highway of

books, periodicals, pamphlets or other printed matter except newspapers and magazines and for revoking any license granted. 1931, c. 50, s. 34.

*Dealers in Old Gold.*

4. For licensing, regulating and governing persons who for hire or gain purchase or deal in old gold and other precious metals and in old jewelry or other articles for the purpose of smelting the same and recovering the gold therefrom, and for revoking any license granted.

(a) The fee to be paid for a license shall not exceed \$1 per year. 1936, c. 39, s. 28.

**441. By-laws may be passed by boards of commissioners of police of cities:**

*Cab Drivers—Licensing of.*

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, busses, motor or other vehicles regularly used for hire within the city and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the city or to any other point not more than three miles beyond its limits and for providing for enforcing payment of such rates or fares and for revoking and cancelling the license. R.S.O. 1927, c. 233, s. 431, par. 1; 1930, c. 44, s. 24.

*Children in Certain Occupations.*

2. For regulating and controlling children engaged as express or dispatch messengers, vendors of small wares, and boot-blacks. R.S.O. 1927, c. 233, s. 431, par. 2; 1931, c. 50, s. 35.

*Livery Stables, etc.—Hours of Labour.*

3. For regulating the hours of labour of persons employed in livery or boarding stables as drivers of motor vehicles, cabs, carriages, or sleighs kept for hire, or by the owners of horses, carts, trucks, omnibuses, and other vehicles kept for hire.

*Parades and Traffic on highways.*

4. For regulating parades or processions on highways, and from time to time, and as occasion may require, prescribing the

routes of travel to be observed by all vehicles, horses and persons upon the highways, and preventing the obstruction of the highways during public processions or public demonstrations, and for giving directions to constables for keeping order, and preventing any collision or obstruction of traffic at the intersections or other frequented portions of the highways, on all occasions when the highways are thronged, or liable to obstruction.

- (a) This paragraph shall not affect the right, if any, of a street railway company to regulate the routes of its cars and no regulation or direction which may affect a street railway company shall be made or given until the company has been afforded an opportunity of being heard. R.S.O. 1927, c. 233, s. 431, pars. 3, 4.

**442. By-laws may be passed by boards of commissioners of police of cities having a population of not less than 100,000 and by councils of townships and villages bordering on a city having a population of not less than 100,000 and by councils of cities having a population of less than 100,000:**

1928, c. 37, s. 16, *part*; 1931, c. 50, s. 36; 1932, c. 29, s. 19;  
1935, c. 43, s. 9 (1).

#### *Coal and Coke Dealers.*

Licensing,  
etc., coal  
and coke  
dealers.

1. For licensing, regulating and governing dealers in coal or coke and for revoking or suspending the license of any such dealer.

- (a) The fee for such license shall not exceed \$5 per year. 1928, c. 37, s. 16, *part*; 1935, c. 43, s. 9 (2).
- (b) For the purpose of this paragraph a by-law passed hereunder shall extend to include dealers in coal or coke who by themselves or their employees, agents, canvassers or solicitors take orders for or deliver coal or coke within the municipality, and such dealers shall be subject to the provisions of the by-law. 1935, c. 43, s. 9 (3).

#### *Tag Days.*

Tag days.

2. For fixing days when persons and organizations engaged in charitable or patriotic work may solicit contributions of money from persons on the highways of the municipality. 1936, c. 39, s. 29.



*Destitute Mental Persons—Support of.*

**443.** The council of every county shall make provision for the whole or partial support within the county of such mentally ill, mentally defective or epileptic destitute persons as cannot be admitted to an institution within the meaning of *The Mental Hospitals Act*, and shall determine the sums to be paid for such support, and the persons to whom the same shall be paid. R.S.O. 1927, c. 233, s. 432; 1935, c. 39, sched.

County council to make provision for destitute mental defectives, etc.  
Rev. Stat., c. 392.

*Members of Council—Payment of.*

**444.**—(1) The council of a municipality may pass by-laws for paying the members of the council for their attendance at meetings at the following rates in the case of,—

Remuneration of members of council.

- (a) a county and a township having a population of not less than 10,000, at a rate not exceeding \$8 a day for attendance at meetings of the council or of its committees and ten cents for each mile necessarily travelled in going to such meetings;
- (b) a city having a population of less than 100,000, a town and a township having a population of less than 10,000, at a rate not exceeding \$5 a day for attendance at meetings of the council, and in the case of such a township ten cents for each mile necessarily travelled in going to such meetings;
- (c) a village, at a rate not exceeding \$3 a day for attendance at meetings of the council.

(2) Where under the provisions of section 231 the head of an urban municipality is paid an annual or other remuneration, such head shall not be entitled to payment under this section for attendance at meetings. 1932, c. 29, s. 20.

Where head receives salary.

(3) The provisions of this section shall be deemed to have extended to authorize any payments heretofore made to members of the council for their services as members of any utility commission to which they were appointed under the authority of any general or special Act, and shall also extend to authorize future payments at the rates mentioned in subsection 1 to such members for their services as members of any such utility commission. 1935, c. 43, s. 10.

Fees to members of utility commission.

**445.** By-laws may be passed by the councils of cities having a population of not less than 100,000, for paying an annual allowance, not exceeding \$500 to aldermen, and an additional allowance not exceeding \$100 to each chairman of a standing

Remuneration of aldermen in certain cities.

committee and to the chairman of the court of revision and the local board of health.

- (a) The by-law shall provide for the deduction from such allowance of a reasonable sum to be fixed by the council for each day's absence from meetings. R.S.O. 1927, c. 233, s. 434.

Payment of  
aldermen  
and chair-  
men of  
committees.

**446.** By-laws may be passed by the councils of cities having a population of not less than 200,000 for paying an annual allowance not exceeding \$1,200 to aldermen and an additional allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the court of revision and the local board of health. R.S.O. 1927, c. 233, s. 435; 1930, c. 44, s. 25.

*Members of Certain Councils may be Appointed Commissioners.*

Appoint-  
ment of  
member  
of council  
as road  
commis-  
sioner, etc.

**447.** A member of the council of a county, village or township may be appointed commissioner, superintendent or overseer of any highway or of any work undertaken wholly or in part at the expense of the corporation and may be paid the like remuneration for his services as if he were not a member of the council. R.S.O. 1927, c. 233, s. 436.

*Expenses of Reception of Distinguished Guests and Travelling Expenses.*

Expenses of  
entertaining  
guests and  
for travel-  
ling on  
civic  
business.

**448.** The council of a city, town, village, county or township may pay for or towards the reception or entertainment of persons of distinction or the celebration of events or matters of national interest or importance, or for or towards travelling or other expenses incurred in respect to matters pertaining to or affecting the interests of the corporation, a sum not exceeding in any year in the case of,—

- (a) a city having a population of not less than 200,000—\$30,000;
- (b) a city having a population of not less than 100,000—\$20,000;
- (c) a city having a population of not less than 50,000—\$10,000;
- (d) a city or town having a population of not less than 20,000—\$2,500;

- (e) a city or town having a population of not less than 10,000—\$1,000;
- (f) a county—\$1,500;
- (g) other municipalities—\$500. 1931, c. 50, s. 37.

*Publicity Purposes.*

**449.**—(1) The council of every city having a population of not less than 100,000 may expend a sum not exceeding in any year twenty cents per head of its population and the council of a city having a population of not less than 30,000 may expend a sum not exceeding in any year ten cents per head of its population, and the council of a city having a population of less than 30,000 may expend a sum not exceeding in any year \$3,000, and the council of every township or town bordering on a city having a population of not less than 100,000 may expend a sum not exceeding in any year \$2,000, and the council of every town having a population of not less than 5,000 and the council of every county may expend a sum not exceeding in any year \$500, in diffusing information respecting the advantages of the municipality as a manufacturing, business, educational or residential centre, or as a desirable place in which to spend the summer months, and the councils of other municipalities may expend for the like purpose a sum not exceeding in any year \$100. R.S.O. 1927, c. 233, s. 438 (1) ; 1929, c. 58, ss. 13, 14.

(2) Notwithstanding anything contained in subsection 1, any municipality in the District of Muskoka may expend a sum not exceeding in any year the amount of one mill in the dollar on its total assessment for the purposes specified in subsection 1, and any two or more of such municipalities may pool their funds and act jointly for the said purposes. R.S.O. 1927, c. 233, s. 438 (2).

(NOTE.—See also *County Publicity Act, Rev. Stat. c. 84.*)

PART XX.

*HIGHWAYS AND BRIDGES.*

*Powers and Duties as to.*

**450.**—(1) In this Part “county bridge” shall mean a bridge under the exclusive jurisdiction of the council of a county.

Interpretation.  
“County bridge.”

Exception. (2) Except as provided by section 465 this Part shall not apply to a Provincial road or bridge under the control of the Crown. R.S.O. 1927, c. 233, s. 439.

Power to acquire part of highway. **451.** Where by this Part power is conferred upon a council to pass by-laws for acquiring or for assuming a highway it shall include the power to pass by-laws for acquiring or for assuming part of a highway. R.S.O. 1927, c. 233, s. 440.

What councils to exercise powers re highways and bridges. **452.** Where power to pass by-laws in respect of a highway or bridge is by this Act conferred on a council, unless otherwise expressly provided, it shall be exercisable only by the council having jurisdiction over the highway or bridge, or if the highway or bridge is under the joint jurisdiction of two or more councils only by the joint action of such councils, and a by-law by all of them shall be necessary for the exercise of such power. R.S.O. 1927, c. 233, s. 441.

What shall constitute public highways. **453.** Except in so far as they have been stopped up according to law all allowances for roads made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them, or on which statute labour has been usually performed all roads passing through Indian lands, all roads dedicated by the owner of the land to public use, and all alterations and deviations of and all bridges over any such allowance for road, highway or road, shall be common and public highways. R.S.O. 1927, c. 233, s. 442.

Highways vested in corporation having jurisdiction over them. **454.**—(1) Unless otherwise expressly provided, the soil and freehold of every highway shall be vested in the corporation or corporations of the municipality or municipalities, the council or councils of which for the time being have jurisdiction over it under the provisions of this or any other Act.

Reservation of rights in soil. (2) In the case of a dedicated highway such vesting shall be subject to any rights in the soil reserved by the person who laid out or dedicated the highway. R.S.O. 1927, c. 233, s. 443.

Jurisdiction of councils over highways. **455.** Except where jurisdiction over them is expressly conferred upon another council, the council of every municipality shall have jurisdiction over all highways and bridges within the municipality. R.S.O. 1927, c. 233, s. 444.

Exception as to road owned by company, etc. **456.** Sections 454 and 455 shall not apply to roads or bridges owned by companies or individuals. R.S.O. 1927, c. 233, s. 445.



**457.**—(1) The council of a county shall have jurisdiction over every,—

Jurisdiction of county councils over roads and bridges.

(a) highway, bridge and boundary line assumed by the council;

(b) bridge crossing a river, stream, pond or lake forming or crossing a boundary line between local municipalities other than a city or separated town in the county;

(c) bridge crossing a river or stream over one hundred feet in width within the limits of a village in the county where the bridge forms part of a main highway leading through the county.

(2) The council may provide that the jurisdiction conferred upon it by clause *b* of subsection 1 shall not extend to bridges over rivers, streams, ponds or lakes, less than eighty feet in width, or of such width less than eighty feet, as may be specified in the by-law. R.S.O. 1927, c. 233, s. 446.

Power to limit jurisdiction.

**458.** The councils of the corporations whose duty it is to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between counties shall have joint jurisdiction over such bridges. R.S.O. 1927, c. 233, s. 447.

Jurisdiction over bridges on county boundaries.

**459.** The councils of the corporations whose duty it is to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between a county and a city or separated town shall have joint jurisdiction over such bridges. R.S.O. 1927, c. 233, s. 448.

Jurisdiction over bridges on boundaries between county and city, etc.

**460.** The councils of the local municipalities between which they run shall have joint jurisdiction over all boundary lines, whether or not they form also county boundary lines, which have not been assumed by the council of the county, and over the bridges on them except such bridges crossing rivers, streams, ponds or lakes forming or crossing such boundary lines as by the provisions of this Act are under the jurisdiction of another council or other councils. R.S.O. 1927, c. 233, s. 449.

Jurisdiction over boundaries between local municipalities.

**461.** Where a boulevard, drive or highway or a public avenue or walk is owned or has been opened and laid out or is under the authority of this Act assumed, or a bridge is owned or has been constructed or is under the authority of this Act assumed by the corporation of a municipality other than that in which it is situate, the council of that corporation shall have jurisdiction over it. R.S.O. 1927, c. 233, s. 450.

Jurisdiction where corporation owns bridge, etc., in another municipality.

Assumption  
by villages  
of bridges  
under con-  
trol of  
county.

**462.**—(1) The council of a village may pass by-laws for the assumption by the corporation of the village, with the consent of, and on such terms and conditions as may be agreed on with the council of the county, of any bridge within the limits of the village and under the jurisdiction of the council of the county.

Effect of  
by-law.

(2) When the by-law takes effect the bridge shall cease to be under the jurisdiction of the council of the county and shall come and thereafter remain under the jurisdiction of the council of the village, and shall be and remain toll free. R.S.O. 1927, c. 233, s. 451.

Approaches  
to bridges.

**463.** The council having jurisdiction over a bridge shall have jurisdiction over the approaches to it for one hundred feet next adjoining each end of the bridge. R.S.O. 1927, c. 233, s. 452.

Agreements  
between  
adjoining  
municipali-  
ties as to  
maintenance  
of boundary  
road.

**464.**—(1) The corporations of adjoining municipalities may enter into an agreement for the maintenance and repair of any highway forming the boundary between such municipalities, including the bridges thereon which it is their duty to maintain and repair, whereby each of them may undertake, for a term of years not to exceed ten years, to maintain and keep in repair any portion of such highway for its whole width, and to indemnify and save harmless the other from any loss or damage arising from the want of repair of such portion.

Agreement  
to be regis-  
tered.

(2) When the agreement is confirmed by by-law of the council of each of the municipalities, the by-law shall be registered in the registry office of the registry division in which the highway is situate.

Effect of.

(3) After the registration of the by-law, each corporation shall have jurisdiction over that portion of the road which it has undertaken to maintain and keep in repair, and shall be liable for the damages incurred by reason of neglect to maintain and keep the same in repair, and the other corporation shall be relieved from all liability in respect of its maintenance and repair. R.S.O. 1927, c. 233, s. 453.

Proclama-  
tion bringing  
government  
road or  
bridge under  
jurisdiction  
of municipi-  
pality.

**465.** Where the Lieutenant-Governor in Council by proclamation declares, which it shall be lawful for him to do, that any public road or bridge under the control of the Minister of Public Works and Highways shall not be under his control after a day named in the proclamation, such road or bridge shall after that day cease to be under the control of the Minister, and no tolls shall be collected thereon and the road or bridge shall be under the jurisdiction of the council of the local municipality in which it is situate, or if it is partly situate

in two or more municipalities shall be under the jurisdiction of the councils of such municipalities, each having jurisdiction over the part which lies within its municipality, or if it lies between two or more municipalities shall be under the joint jurisdiction of their councils. R.S.O. 1927, c. 233, s. 454.

**466.**—(1) The council of a county may by by-law assume as a county road any highway, or as a county bridge any bridge, within a town, not being a separated town, or within a village or township. Assumption by county councils of highways, bridges and boundary lines.

(2) The by-law shall not take effect until assented to by the council of the town, village or township. Assent.

(3) The council of a county may also by by-law assume as a county road any county or township boundary line. County or township boundary.

(4) The council of a county may also by by-law assume as a county road any highway in a town, not being a separated town, or in a village or township which connects with a county road. Connecting road in town.

(5) Where a highway is assumed under this section the bridges thereon shall also be assumed as county bridges. Bridges on such highway.

(6) A by-law passed under the authority of this section may be at any time repealed by the council of the county. Repeal of by-law.

(7) After the repeal of the by-law such highway or bridge shall cease to be under the jurisdiction of the council of the county and shall fall and be under the jurisdiction of the council or councils which had jurisdiction over it at the time of the passing of the by-law for assuming it. R.S.O. 1927, c. 233, s. 455. Effect of repeal.

**467.**—(1) The council of a city or town may pass by-laws for assuming for the purpose of a public avenue or walk any highway in an adjacent local municipality and for acquiring so much land on either side of such highway as may be required to increase its width to not more than one hundred feet. Assuming highway in adjacent municipality as a public avenue or walk.

(2) The by-law shall not take effect unless or until it is assented to by by-law of the council of the adjacent municipality. R.S.O. 1927, c. 233, s. 456. Assent of other council.

**468.**—(1) The council of a county may by by-law abandon the whole or any part of a toll road owned by the corporation of the county or of any other road owned by it, whether the road is situate wholly within the county or partly within it and partly within an adjoining county. Abandonment by county of roads.

Clerk to  
transmit  
copies of  
by-law.

(2) Forthwith after the passing of the by-law the clerk shall transmit by registered post to the clerk of every local municipality through or along or on the border of which the road runs, a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

Approval of  
Municipal  
Board.

(3) The by-law shall not take effect unless or until it is approved by the Municipal Board, nor shall it take effect as to the part of the road lying within or along or on the border of a local municipality whose council does not by by-law assent to the by-law.

Jurisdiction  
after aban-  
donment.

(4) From and after the taking effect of the by-law the council of a municipality within which any part of the road so abandoned lies shall have jurisdiction over that part of it which lies within the municipality, and where any part of a road so abandoned lies between or on the border of two or more local municipalities the councils of such municipalities shall have joint jurisdiction over that part of it.

Exception.

(5) Nothing in this section shall extend or apply to a bridge which under the provisions of this Act is to be maintained wholly or partly by the corporation of the county. R.S.O. 1927, c. 233, s. 457.

Bridges over  
300 ft. in  
length in  
townships  
and certain  
towns may  
be declared  
county  
bridges.

**469.**—(1) A bridge of a greater length than three hundred feet in a town having an equalized assessment of less than \$1,000,000 or in a township may, on the application of the council of such town or township, be declared to be a county bridge where,—

- (a) it is used by the inhabitants of other municipalities;
- (b) it is situate on an important highway affording means of communication to several municipalities; and
- (c) on account of its length and for the reasons mentioned in clauses *a* and *b*, it is unjust that the burden of maintaining and repairing it should rest upon the corporation of the town or township.

Order of  
judge.

(2) An order declaring the bridge to be a county bridge may be made by a judge of the county court of the county in which it is situate, on the application of the council of the town or township.

Notice of  
application.

(3) Notice of the application shall be served on the corporation of the county, at least thirty days before the day on which it is to be made.

Hearing.

(4) Each corporation shall be entitled to be represented by counsel on the hearing of the application, and the evidence may,



if the judge sees fit, and shall, if either party so requests, be given under oath.

(5) If the judge is of opinion that for the reasons mentioned in subsection 1, the bridge should be declared to be a county bridge, he shall by his order so declare, and in that case he shall determine whether the expense of maintaining and repairing the bridge shall be borne by the corporation of the county or partly by it and partly by the corporation of the town or township, and if he determines that it should be borne partly by each, he shall fix the proportions in which the expense is to be so borne, and his declaration and determination shall be embodied in the order. <sup>Power of judge.</sup>

(6) If the order declares the bridge to be a county bridge it shall be registered in the registry office of the registry division in which the bridge is situate. <sup>Registration of order.</sup>

(7) An appeal shall lie from the order of the judge to the Court of Appeal and the proceedings upon and incidental to the appeal shall be the same as in the case of an appeal from a judge of that Court, sitting in Court. <sup>Appeal.</sup>

(8) If the order is reversed or varied by the order of the Court of Appeal, or if an order declaring the bridge to be a county bridge is made by the Court of Appeal, the order of that Court shall be registered as provided by subsection 6. <sup>Registration of order of Court of Appeal.</sup>

(9) Where the order of the judge of the county court declares the bridge to be a county bridge, except where it is reversed, and subject to any variation of it on appeal, from and after the registration of the order, or where the order has been reversed and an order declaring the bridge to be a county bridge has been made by the Court of Appeal, from and after the registration of the order of the Court of Appeal, the bridge shall be a county bridge. <sup>Effect of order after registration.</sup>

(10) Whenever any expenditure is made by the corporation of the county in maintaining or repairing the bridge a proportion of which the corporation of the town or township is by the order required to bear, that proportion of the expenditure shall be payable by the last named corporation to the corporation of the county on demand. <sup>Payment to county of proportion of maintenance.</sup>

(11) Where the application is dismissed, either by the order of the judge of the county court or by the order of the Court of Appeal, a new application shall not be made until five years have elapsed from the date of the order, and any new application thereafter made may be dealt with without regard to the former order, and subsections 1 to 10 shall apply *mutatis mutandis* to the application. <sup>When new application may be made.</sup>

Approaches  
—when to  
form part  
of bridge.

(12) In the case of a bridge crossing a river, stream, pond, or lake the approaches to the bridge whether consisting of embankments or other artificial works to the extent to which they are rendered necessary on account of the waters of the river, stream, pond or lake overflowing the highway on one or on both sides of the river, stream, pond or lake in times of freshets or at any other time, shall be deemed for the purpose of this section to form part of the bridge.

Application  
of section  
to construc-  
tion and re-  
newal of  
bridge.

(13) This section shall also apply to a bridge which it is proposed to construct, including a bridge to replace an existing one and a bridge to replace one that has been carried away or destroyed or so damaged that it is necessary to rebuild it, and the application may be made before the work of construction is begun.

Determina-  
tion by  
judge as to  
length of  
bridge  
required.

14. In the case of an application to which subsection 13 applies it shall be the duty of the judge to consider and determine whether a bridge of the length of that which it is proposed to erect is necessary for the purpose for which it is to be erected, and if he is of opinion that a bridge of 300 feet or less will be sufficient for that purpose it shall be the duty of the judge so to determine and to refuse to make an order under this section.

Power to  
agree as to  
maintenance.

(15) In the case provided for by this section the council of the town or township and the council of the county may at any time enter into an agreement as to the proportions in which the cost of maintaining the bridge and keeping it in repair shall be borne by their respective corporations, or in a case to which subsection 13 applies as to the proportions in which the cost of constructing and maintaining the bridge and keeping it in repair shall be borne by their respective corporations.

What agree-  
ment to  
provide.

(16) The agreement shall provide that the bridge shall thereafter or after a day to be named be under the exclusive jurisdiction of the council of the county or remain under the jurisdiction of the council of the town or township.

Order of  
judge em-  
bodying  
agreement.

(17) The terms of the agreement shall be embodied in an order of the judge of the county court which may be made upon the application of either corporation, and the order so made shall supersede any former order made by him.

Idem.

(18) If the agreement provides that the bridge is to come under the exclusive jurisdiction of the council of the county the order made under subsection 17 shall so declare.

Registration  
of order.

(19) The order made under subsection 17 shall be registered as provided by subsection 6, and shall have the same effect as an order upon an application made under subsection 2, but the order shall not be subject to appeal. R.S.O. 1927, c. 233, s. 458.

**470.** The council of a county which assumes as a county road or bridge, any highway or bridge within a township, shall with as little delay as reasonably may be, and at the expense of the county cause the highway to be graded and drained and gravelled, macadamized, or surfaced or paved with other permanent material, or the bridge to be built in a good and substantial manner and shall maintain and keep the same in repair. R.S.O. 1927, c. 233, s. 459.

Highways assumed by county to be plankd, gravelled, etc.

**471.** The council of the county shall cause to be built and maintained at the expense of the corporation of the county the bridges mentioned in clauses *b* and *c* of subsection 1 of section 457. R.S.O. 1927, c. 233, s. 460.

County to build and maintain certain bridges.

**472.** Where a river, stream, pond or lake forms or crosses a boundary line between two or more counties, it shall be the duty of the corporations of the counties, and where it forms or crosses a boundary line between a county and a city or a separated town, it shall be the duty of the corporations of the county and the city or separated town, to erect and maintain bridges over such river, stream, pond or lake. R.S.O. 1927, c. 233, s. 461.

Maintenance of bridges on county boundary lines.

**473.**—(1) Boundary lines between local municipalities, including those which also form county boundary lines, shall be maintained by the corporations of such municipalities, and they shall also erect and maintain all necessary bridges on such boundary lines.

Maintenance of boundary lines.

(2) Subsection 1 shall not apply to boundary lines assumed by the council of the county or to such bridges as are under the provisions of this Act to be erected or maintained by another corporation. R.S.O. 1927, c. 233, s. 462.

Exceptions.

**474.** Where the council of a county passes a by-law under subsection 2 of section 457 it shall be the duty of the councils of the local municipalities to erect and maintain all necessary bridges from the erection and maintenance of which the council of the county is relieved by the by-law. R.S.O. 1927, c. 233, s. 463.

Local municipalities to erect and maintain certain bridges.

**475.** All boundary lines, and all bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between two or more local municipalities in a provisional judicial district shall be erected and maintained by the corporations of such municipalities and their councils shall have joint jurisdiction over them, and if the councils fail to agree as to the proportion of the expense to be borne by each corporation the same shall be determined by arbitration. R.S.O. 1927, c. 233, s. 464.

Maintenance of boundary lines and bridges in provisional judicial district.

*Driftwood in Streams.*

Keeping  
rivers free  
from drift-  
wood, etc.

**476.**—(1) Where a river or stream forms a boundary line between two or more municipalities in a county, the corporation of the county shall keep it free from all accumulations of driftwood or fallen timber.

What cor-  
porations to  
perform the  
work (and  
apportion-  
ment of ex-  
pense.

(2) Where the river or stream forms a boundary line between two or more counties, the duty mentioned in subsection 1 shall be performed by the corporations of the counties, and where the river or stream forms the boundary line between a county and a city or separated town, shall be performed by the corporation of the county and the corporation of the city or separated town, and in case of failure to agree in either case, as to the share or proportion of the expense incurred in performing the duty to be borne by them respectively, the same shall be determined by arbitration. R.S.O. 1927, c. 233, s. 465.

Keeping  
stream free  
from logs,  
brush, etc.,  
in township.

**477.**—(1) Where a stream or creek is cleared of all logs, brush or other obstructions to the boundary line between a township and an adjoining township into which the stream or creek flows, the council of the township in which the stream or creek has been so cleared may give notice in writing to the corporation of such adjoining township requesting its council to clear such stream or creek through the municipality.

Notice  
requiring  
other town-  
ship to re-  
move ob-  
structions.

(2) It shall be the duty of such last mentioned corporation, within six months after the service of the notice, to enforce the removal of all obstructions in such stream or creek within the municipality, to the satisfaction of any person whom the council of the county in which the municipality whose council gave the notice is situate, appoints to inspect the same.

Effect of  
failure to  
perform  
duty.

(3) If the corporation receiving the notice neglects to perform such duty, and by reason of its neglect any highway or bridge in either of the townships becomes out of repair, the corporation in default, and that corporation only, shall be responsible for the damages sustained by any person by reason of such want of repair. R.S.O. 1927, c. 233, s. 466.

Deviations  
of bound-  
ary lines.

**478.** Where, on account of physical difficulties or obstructions existing on a boundary line between municipalities, and in order to obtain a better line of road, a road has been heretofore or is hereafter laid out and opened which does not follow the course of such boundary line throughout, but in some place or places so deviates from it as to lie wholly within one of the municipalities, such road shall nevertheless be deemed to be, for the purposes of this Act, the boundary line between the municipalities, and a river, stream, pond or lake which crosses



it where it so deviates shall be deemed to be a river, stream, pond or lake crossing a boundary line within the meaning of this Act. R.S.O. 1927, c. 233, s. 467.

**479.**—(1) Every iron, steel, concrete or stone bridge constructed by the corporation of a county, and every such bridge exceeding twenty feet clear span constructed by the corporation of a township shall be designed and built in accordance with general specifications approved by the Department of Highways. Specifications for certain bridges.

(2) Plans in duplicate for any such bridges may be submitted by the council of any county or township to the Department of Highways, and if they are found to be in accordance with such approved general specifications the certificate of the Department shall be attached, and one of such plans shall be returned to the clerk of such county or township. R.S.O. 1927, c. 233, s. 468. Duplicate plans to be submitted.

**480.**—(1) Every highway and every bridge shall be kept in repair by the corporation the council of which has jurisdiction over it, or upon which the duty of repairing it is imposed by this Act, and in case of default the corporation shall subject to the provisions of *The Negligence Act* be liable for all damages sustained by any person by reason of such default. Liability for repair of public roads, etc. Rev. Stat. c. 115.

(2) No action shall be brought against a corporation for the recovery of damages occasioned by such default, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time when the damages were sustained. Limitation of actions.

(3) Except in case of gross negligence a corporation shall not be liable for a personal injury caused by snow or ice upon a sidewalk. Snow or ice on sidewalks.

(4) No action shall be brought for the recovery of the damages mentioned in subsection 1 unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered post to the head or the clerk of the corporation, in the case of a county or township within ten days, and in the case of an urban municipality within seven days after the happening of the injury, nor unless where the claim is against two or more corporations jointly liable for the repair of the highway or bridge, the prescribed notice was given to each of them within the prescribed time. R.S.O. 1927, c. 233, s. 469 (1-4). Notice of action.

When failure to give notice of claim is a bar to action.

(5) In the case of the death of the person injured, failure to give notice shall not be a bar to the action and except where the injury was caused by snow or ice upon a sidewalk, failure to give or insufficiency of the notice shall not be a bar to the action, if the court or judge before whom the action is tried is of the opinion that the corporation in its defence was not prejudiced by the want or insufficiency of the notice and that to bar the action would be an injustice, notwithstanding that reasonable excuse for the want or insufficiency of the notice is not established. 1936, c. 39, s. 30.

To what roads applicable.

(6) This section shall not apply to a road, street or highway laid out or to a bridge built by a private person or by a body corporate until it is established by by-law of the council or otherwise assumed for public use by the corporation.

When corporation not responsible for acts of others.

(7) Nothing in this section shall impose upon a corporation any obligation or liability in respect of any act or omission of any person acting in the exercise of any power or authority conferred upon him by law, and over which the corporation had no control, unless the corporation was a party to the act or omission, or the authority under which such person acted was a by-law, resolution or license of its council.

When corporation not liable for damages.

(8) A corporation shall not be liable for damages under this section unless the person claiming the damages has suffered by reason of the default of the corporation a particular loss or damage beyond what is suffered by him in common with all other persons affected by the want of repair.

Relief from obligation to rebuild.

(9) Where a bridge which it is the duty of a corporation to repair is destroyed or so damaged that it is necessary to rebuild it the Municipal Board may, upon the application of the corporation, relieve it from the obligation to rebuild the bridge, if the Board is satisfied that it is no longer required for the public convenience or that the re-building of it would entail a larger expenditure than would be reasonable having regard to the use that would be made of the bridge if it were re-built.

Conditions of granting relief.

(10) The relief may be granted on such terms and conditions as the Board may deem just, and such notice of the application shall be given as the Board may direct.

Costs of pending actions.

(11) Subsections 9 and 10 shall not affect the costs of any pending action. R.S.O. 1927, c. 233, s. 469 (6-11).

Action for damages for nuisance on highway.

**481.** The provisions of subsections 2 to 8 of section 480 shall apply to an action brought against a corporation for damages occasioned by the presence of any nuisance on a highway. 1929, c. 58, s. 15.

**482.** The approval by the council of a municipal corporation of a plan under *The Planning and Development Act* shall not be deemed to be an assumption for public use by the corporation of the highways shown on the plan so as to render the corporation liable for repair, or for damages resulting from non-repair within the meaning of section 480. R.S.O. 1927, c. 233, s. 470.

Effect of approval of plan.  
Rev. Stat. c. 270.

**483.** The corporation of a city or town in which an iron, steel or concrete bridge is constructed, may pass a by-law authorizing the issue of and may issue debentures to pay the cost of re-flooring the same, for any term not exceeding ten years and at such rate of interest as the council may determine, provided that such by-law is passed by a vote of two-thirds of all the members of the council and is approved by the Municipal Board. R.S.O. 1927, c. 233, s. 471.

Issue of debentures for re-flooring bridge.

**484.**—(1) Where two or more corporations are jointly liable for keeping in repair a highway or bridge, there shall be contribution between them as to the damages sustained by any person by reason of their default in so doing.

Apportionment of damages.

(2) Any action by any such person shall be brought against all such corporations, and any of them may require that the proportions in which such damages and the costs of the action are to be borne by them shall be determined in the action.

Action to be against all corporations.

(3) In settling such proportions, either in the action or otherwise, regard shall be had to the extent to which each corporation was responsible, either primarily or otherwise, for the act or omission by reason of which the damages became payable or are recoverable and the damages and costs shall be apportioned between them accordingly. R.S.O. 1927, c. 233, s. 472.

What to be taken into account.

**485.**—(1) Where an action may be brought against a corporation by a person who has sustained damages by reason of its default in keeping in repair a highway or bridge, no action shall be brought by him in respect of it or to recover such damages, or any part of them against any member of the council or officer or employee of the corporation personally, but the remedy therefor shall be against the corporation.

Members of council and employees not liable for non-repair of highways.

(2) A mere contractor with the corporation or an officer or employee who is such contractor, by reason of whose act or omission the damages were caused, shall not be deemed an employee within the meaning of subsection 1. R.S.O. 1927, c. 233, s. 473.

Contractors not deemed employees.

Remedy over, for damages caused by non-repair against persons causing same.

**486.**—(1) Where an action is brought to recover damages sustained by reason of any obstruction, excavation or opening in or near a highway or bridge placed, made, left or maintained by any person other than the corporation or a servant or agent of the corporation, or by reason of any negligent or wrongful act or omission of any person other than the corporation or a servant or agent of the corporation, the corporation shall have a remedy over against such other person for, and may enforce payment of the damages and costs which are recovered against the corporation.

Remedy over in same action.

(2) The corporation shall be entitled to such remedy over in the same action, if the other person is a party to the action and it is established in the action as against him that the damages were sustained by reason of an obstruction, excavation, or opening so placed, made, left or maintained by him.

Adding party defendant.

(3) The corporation may in such action have the other person, if not already a defendant, added as a party defendant or third party for the purposes of the remedy over, and such person may defend the action as well against the plaintiff's claim as against the claim of the corporation.

Where person causing damage has not been made a party.

(4) If such person is not a party defendant, or is not added as a party defendant or third party, or if the corporation has paid the damages before an action is brought to recover the same, or before a recovery thereof in an action against the corporation, the corporation shall have the remedy over, by action against such person, but he shall be deemed to admit the validity of the judgment obtained against the corporation, only where a notice has been served on him, pursuant to rules of court, or where he has admitted, or is estopped from denying the validity of such judgment.

When a fresh action is necessary.

(5) Where such notice has not been served, and there has been no such admission or estoppel, and such person has not been made a party defendant or third party to the action against the corporation, or where the damages have been paid without action, or without recovery of judgment against the corporation, the liability of the corporation for such damages, and the fact that the damages were sustained under such circumstances as to entitle the corporation to the remedy over, must be established in the action against such person to entitle the corporation to recover in the action. R.S.O. 1927, c. 233, s. 474.

Determination of disputes as to duty to erect and maintain bridge or repair highway.

**487.** Whenever there is a dispute between the councils of any two or more corporations as to the corporation on which the obligation to build and maintain or to build or maintain a bridge or to keep in repair a highway rests, the Supreme Court may upon the application of any or either of the corporations



determine the matter in dispute on an originating motion, or the Court, if of opinion that the matter in dispute cannot satisfactorily be determined on an originating motion, or that for any other reason it ought not to be so determined, may direct that an action may be brought or that an issue be tried for the purpose of determining the matter in dispute, and the Court may in either case compel by mandamus the performance of the obligation by the corporation upon which it is found to rest. R.S.O. 1927, c. 233, s. 475.

**488.** Except in the cases provided for by section 491, where the dispute is as to the proportions in which the corporations should contribute to the cost of erecting and maintaining or of erecting or maintaining a bridge or of keeping in repair a highway, the matter in dispute shall be determined by arbitration. R.S.O. 1927, c. 233, s. 476.

Disputes as to apportionment of cost of erecting or maintaining.

**489.—(1)** Where an allowance for road was not reserved in the original survey on a township boundary or part of it, the councils of the townships may establish and lay out a highway on such boundary or part of it.

Laying out highway where no original allowance.

(2) The councils of any or either of the municipalities may pass a by-law for establishing and laying out such a highway and for acquiring the land requisite for the one-half of it which lies within the limits of its municipality.

Passing by-law for.

(3) The clerk shall within four days after the passing of the by-law transmit by registered post to the clerk of each of the other townships a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

Copy of by-law to be sent to other townships.

(4) If the other council or councils do not within six months after such notice pass a by-law or by-laws in similar terms, the council by which the by-law was passed may require the question of establishing and laying out the proposed highway to be determined by arbitration.

Arbitration.

(5) The arbitrators shall determine whether or not the proposed highway shall be established and laid out, and if they determine that it shall be established and laid out they shall also determine in what proportions the cost of the site of it shall be borne by each of the corporations.

Power of arbitrators.

(6) If it is determined by the arbitrators that the proposed highway shall be established and laid out, the other councils shall forthwith after notice of the award pass the necessary by-laws for establishing and laying out the proposed highway and for acquiring the land requisite for the one-half of it which will lie within the limits of their respective municipalities, and

Duties of other townships when arbitrators determine that highway should be laid out.

for otherwise carrying out the provisions of the award, and shall proceed with all reasonable despatch to carry into effect the provisions of the by-law.

Effect of  
determina-  
tion against  
laying out  
highway.

(7) If it is determined by the arbitrators that the proposed highway shall not be established and laid out, no further proceedings shall be taken under this section within two years from the date of the award or within such time not exceeding in all four years, as the arbitrators may by their award determine. R.S.O. 1927, c. 233, s. 477.

Disputes as  
to bridge  
or highway  
to be settled  
by arbitra-  
tion.

**490.**—(1) Where a highway or bridge is under the joint jurisdiction of the councils of two or more municipalities and they are unable to agree as to any action which one or more of them desire to be taken in the exercise of such joint jurisdiction, any of them may require that the matter in dispute shall be determined by arbitration, and in that case shall prepare a draft by-law for carrying into effect what it is desired shall be done, and serve a copy of it on the clerk of the other municipalities with a notice that it is its desire that such a by-law shall be passed.

Award.

(2) If it is determined by the arbitrators that what is proposed ought to be done, they shall by their award so direct, and in that case each council shall forthwith after notice of the award pass a by-law in accordance with the draft by-law and shall, without unnecessary delay, do all things which on its part are necessary for carrying into effect the objects of the by-law. R.S.O. 1927, c. 233, s. 478.

Determina-  
tion by  
county coun-  
cil of dis-  
putes as to  
opening or  
maintaining  
township  
boundary  
lines.

**491.**—(1) Where the councils of the townships having joint jurisdiction over a township boundary line fail to agree as to the character of the work to be done in opening, maintaining or repairing it, or as to the proportions in which the cost of the work is to be borne by the corporations of the townships respectively, any or either of such councils may apply to the council of the county to determine the matters in dispute.

Enforcement  
by county of  
opening up  
or repair on  
petition of  
ratepayers.

(2) Where the township councils having the joint jurisdiction over it neglect or refuse to open up and make, maintain and keep in repair any such boundary line, a majority of the ratepayers resident on land abutting on it may apply to the council of the county to enforce the opening up and the making, maintaining and keeping in repair of such boundary line.

What mat-  
ters to be  
determined  
by county  
council.

(3) The application shall be by petition and the council of the county after notice to all the corporations interested and after hearing them and the petitioning ratepayers, if the petition is by ratepayers, or such of them as desire to be heard, shall determine in the case provided for by subsection 1, what

work shall be done and the proportions in which the cost of it shall be borne by the corporations of the townships respectively, and in the case provided for by subsection 2 whether the boundary line shall be opened up and the proportions in which the corporations of the townships shall respectively bear the cost of opening up, making, maintaining and keeping in repair the boundary line, and in either case may direct that the statute labour or part of it shall be applied by each of the corporations for such purposes.

(4) The determination and direction of the council of the county shall be embodied in an order or resolution, and the council shall appoint one or more commissioners to execute and enforce any direction so made.

Appointment of commissioners to enforce order.

(5) If the councils of the townships intimate to the council of the county or to the commissioners their intention to proceed with the work directed to be done and to conform to the direction of the council of the county, the commissioners shall delay proceeding to carry out the work directed to be done for a reasonable time to enable the township councils to do it, but if the work is not proceeded with with such despatch as the commissioners deem necessary they shall themselves complete the work.

Townships to have opportunity of doing the work.

(6) The cost of any work done by the commissioners shall be by them apportioned between the corporations of the townships in accordance with the order or resolution of the council of the county, and the commissioners shall certify to the treasurer of the county the amount payable by each of such corporations, and the treasurer shall retain the same out of any money in his hands belonging to the corporation, but if there is not in the hands of the treasurer any such money or not sufficient to pay the amount payable by the corporation, the amount payable or the amount of the deficiency, as the case may be, shall be added to the county rate payable by the corporation in default.

Apportionment of and collection of cost of work of commissioners.

(7) This section shall not apply to a township boundary line which is also a county boundary line. R.S.O. 1927, c. 233, s. 479.

County boundaries not affected.

**492.** Where the councils of the townships having joint jurisdiction over a county boundary line are unable to agree as to,—

Determination by Municipal Board of disputes re deviation of county boundary lines.

- (a) the necessity for a deviation of the road from the boundary line; or
- (b) the location of the deviation; or
- (c) the use of an existing highway in lieu of a deviation; or

- (d) the proportions in which the cost of opening, making and maintaining the deviation or the existing highway to be used in lieu of a deviation, is to be borne,

any of the councils may apply to the Municipal Board to determine the matter in dispute, and the Board or any member of it, after notice to the corporations interested and hearing such of them as desire to be heard, shall determine the matter in dispute and may make such order as may be deemed just, and such order shall be final and not subject to appeal. R.S.O. 1927, c. 233, s. 480.

Power of  
Ontario  
Motor  
League to  
erect guide  
and mile  
posts, etc.

**493.**—(1) The Ontario Motor League may, at its own expense and subject to such regulations as the council of the municipality may prescribe, erect and maintain guide posts at road intersections and mile posts on the highways to indicate distances and danger signals at hills which may be deemed to be dangerous or unsafe for travellers.

How same  
to be  
erected.

(2) Every such guide post, mile post and danger signal shall be so placed as not to obstruct the highway or to endanger the safety of travellers, and nothing shall appear on or be affixed or attached to it, but a notice indicating the purpose which the guide post, mile post or danger signal is designed to serve.

Penalty.

(3) Every person who contravenes any of the provisions of subsection 2 shall incur a penalty of \$5 for every such contravention.

Defacing  
posts  
erected.

(4) No person shall cut, throw down, injure or deface any such guide post, mile post or danger signal, and for every contravention of this subsection the person offending shall incur a penalty not exceeding \$50. R.S.O. 1927, c. 233, s. 481.

Powers of  
C.W.A. as to  
erection of  
guide posts,  
etc.

**494.** The Canadian Wheelman's Association of the Dominion of Canada shall have the like power as is by section 493 conferred on the Ontario Motor League, and all the provisions of that section shall apply to guide posts, mile posts and danger signals erected or maintained by the Association; but where either the League or the Association has exercised the powers conferred upon it upon any part of a highway the other shall not have the right to exercise its powers thereon. R.S.O. 1927, c. 233, s. 482.

Establish-  
ing, widen-  
ing, stopping  
by-laws,—  
up, etc.,  
highways,  
laying out  
boulevards,  
etc.

**495.**—(1) The council of every municipality may pass

- (a) for establishing and laying out highways;
- (b) for widening, altering or diverting any highway or part of a highway;



- (c) for stopping up any highway or part of a highway and for leasing or selling the soil and freehold of a stopped up highway or part of a highway;
- (d) for setting apart and laying out such parts as may be deemed expedient of any highway for the purpose of carriage ways, boulevards and sidewalks, and for beautifying the same, and making regulations for their protection;
- (e) for permitting subways for cattle under and bridges for cattle over any highway;
- (f) for acquiring land or an interest in land at street intersections for the purpose of rounding corners.

(2) Nothing in subsection 1 shall authorize a council to interfere with any public road or bridge vested in the Crown in right of Ontario or in any public department, board or officer of Ontario.

Exceptions as to exercise of power.

(3) A by-law passed under the authority of clause *b* or clause *c* of subsection 1 in respect of an allowance for road reserved in the original survey along or leading to the bank of any river or stream or on the shore of any lake or other water shall not take effect until it has been approved by the Lieutenant-Governor in Council.

Approval of Lieutenant-Governor to, by-law.

(4) The powers conferred by subsection 1 shall not be exercised without the consent of the Governor-General in Council in respect of,—

Approval of Governor-General to, by-law.

- (a) any street, lane or thoroughfare made or laid out by His Majesty's Ordinance or the Principal Secretary of State in whom the Ordinance estates became vested under the Act of the late Province of Canada passed in the 19th year of the reign of Her late Majesty Queen Victoria, Chapter 45, or under Chapter 24 of the Consolidated Statutes of Canada, or made or laid out by the Government of Canada;
- (b) any land owned by the Crown in right of the Dominion of Canada;
- (c) any bridge, wharf, dock, quay or other work vested in the Crown in right of the Dominion of Canada;

or so as to interfere with any land reserved for military purposes or with the integrity of the public defences, and the consent of the Governor-General in Council shall be recited in the by-law, but the by-law shall not be quashed or open to question because of the omission to recite it if the consent has been in fact given.

Limitation  
of power  
of county.

(5) The powers conferred by clause *c* of subsection 1 shall not be exercised by the council of a county in respect of a highway or part of a highway within the limits of a city, town or village in or adjoining the county.

Approval  
of district  
judge or  
county  
council to  
township  
by-law.

(6) A by-law of the council of a township, passed under the authority conferred by clause *c* of subsection 1, in the case of a township in unorganized territory, shall not have any force unless and until approved by a judge of the district court of the district in which the township is situated, and in other cases unless and until confirmed by a by-law of the council of the county in which the township is situate passed at an ordinary meeting of the council held not sooner than three months or later than one year after the passing of the by-law of the council of the township.

Closing of  
street to  
vehicular  
traffic only.

(7) The council may in any by-law closing a highway provide that the same shall only be closed for vehicular traffic and not for pedestrian traffic or *vice versa*, and may provide for the erection of barricades to enforce the due observance thereof. R.S.O. 1927, c. 233, s. 483.

(NOTE.—See *Highway Improvement Act, Rev. Stat. c. 56, s. 72, as to consent of Lieutenant-Governor to closing of highway connecting with The King's Highway.*)

Right of  
ingress and  
egress not  
to be taken  
away by  
closing road.

**496.**—(1) A by-law shall not be passed for stopping up, altering or diverting any highway or part of a highway if the effect of the by-law will be to deprive any person of the means of ingress and egress to and from his land or place of residence over such highway or part of it unless in addition to making compensation to such person, as provided by this Act, another convenient road or way of access to his land or place of residence is provided.

By-law,  
when to  
take effect.

(2) The by-law shall not take effect until the sufficiency of such road or way of access has been agreed upon or unless and until, if not agreed upon, its sufficiency has been determined by arbitration as hereinafter mentioned.

Arbitration  
to determine  
sufficiency  
of road.

(3) If such person disputes the sufficiency of the road or way of access provided, the sufficiency of it shall be determined by arbitration under this Act, and if the amount of compensation is also not agreed upon both matters shall be determined by one and the same arbitration.

By-law, void  
if road in-  
sufficient.

(4) If the arbitrators determine that the road or way of access provided is insufficient they may by their award determine what road or way of access should be provided, and in that case, unless such last mentioned road or way of access is

provided, the by-law shall be void and the corporation shall pay the costs of the arbitration and award. R.S.O. 1927, c. 233, s. 484.

**497.**—(1) A person in possession of and having enclosed with a lawful fence that part of an original allowance for road upon which his land abuts which has not been opened for public use by reason of another road being used in lieu of it or of another road parallel or near to it having been established by law in lieu of it shall as against every person except the corporation, the council of which has jurisdiction over the allowance for road, be deemed to be legally possessed of such part until a by-law has been passed by such council for opening it. Possession of unopened road allowance.

(2) No such by-law shall be passed until notice in writing of the intention to pass it has been given to the person in possession, at least eight days before the meeting of the council at which the by-law is to be taken into consideration. R.S.O. 1927, c. 233, s. 485. Notice of by-law to be given.

**498.**—(1) Before passing a by-law for stopping up, altering, widening, diverting, selling or leasing a highway or for establishing or laying out a highway,— Publication of by-law, etc.

(a) notice of the proposed by-law shall be published at least once a week for four successive weeks, and in the case of a village or township shall be posted up for at least one month in six of the most public places in the immediate neighbourhood of the highway or proposed highway; and

(b) the council shall hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

(2) The clerk shall give the notices upon payment, by the applicant, if any, for the by-law, of the reasonable expenses to be incurred in so doing. R.S.O. 1927, c. 233, s. 486. Notices.

**499.** Where the owners of and other persons interested in the land required to be taken for the highway consent in writing to the passing of the by-law for establishing and laying it out, or where such land has been acquired by the corporation, section 498 shall not apply to the by-law. R.S.O. 1927, c. 233, s. 487. When publication of by-law not required.

**500.**—(1) Where an allowance for a sideline road between lots in a double front concession in a township was so run in the original survey that the line in the front half of the con- Side lines in double front concessions.

cession does not meet the line in the rear half, the council of the township may open and lay out a road to connect the ends of such lines where they do not so meet.

Term of  
by-law.

(2) The by-law shall provide that the road shall be opened and laid out in accordance with a survey to be made by an Ontario land surveyor named in the by-law.

Appointment  
of another  
surveyor by  
judge.

(3) A judge of the county or district court of the county or district in which the township is situate, on the application of any person over whose land the connecting road will pass who objects to the surveyor appointed by the by-law may appoint another Ontario land surveyor in the place of the one so appointed.

Application  
for appoint-  
ment.

(4) The application shall be made within one month after the service of the copy of the by-law on the applicant and at least five days' notice of the time when and the place where it will be heard by the judge shall be served upon every other person over whose land the connecting road will pass and upon the clerk of the municipality.

Compensa-  
tion, deter-  
mination  
as to.

(5) The surveyor appointed by the by-law, or, if another is appointed by the judge in his place, the surveyor so appointed shall determine the compensation to be paid to the persons whose lands are taken for the connecting road, and the amount so determined shall be paid to them by the corporation of the township.

Determina-  
tion, final.

(6) The determination of the surveyor as to the compensation shall be final. R.S.O. 1927, c. 233, s. 488.

Mistakes  
in opening  
road allow-  
ances.

**501.**—(1) Where the council of a municipality desiring to open an original allowance for road has by mistake opened a road which was intended to be, but is not wholly or partly, upon such allowance, the land occupied by the road as so opened shall be deemed to have been expropriated under a by-law of the corporation, and no person on whose land such road or any part of it was opened shall be entitled to bring or maintain an action for or in respect of what was done or to recover possession of his land, but he shall be entitled to compensation under and in accordance with the provisions of this Act as for land expropriated under the powers conferred by this Act.

When right  
to com-  
pensation  
barred.

(2) The right to compensation shall be forever barred if the compensation is not claimed within one year after the land was first taken possession of by the corporation. R.S.O. 1927, c. 233, s. 489.



**502.**—(1) No highway shall be laid out in any municipality without the sanction of the council of the municipality. Sanction of council to laying out of highways.

(2) No highway less than sixty-six feet in width or, except in a city or town, more than one hundred feet in width, shall be laid out by the council of the municipality without the approval of the Municipal Board or by any owner of land without the approval of the council of the municipality and of the Municipal Board. Width of highways.

(3) Nothing in this section shall affect the provisions of *The Planning and Development Act*. Rev. Stat. c. 279.

(4) Subsection 2 shall not apply to a township in unorganized territory, and a highway less than sixty-six feet in width may be laid by the council of any such township subject to and in accordance with the regulations of the Department of Lands and Forests. Assent of council or judge required. R.S.O. 1927, c. 233, s. 490.

(5) It is hereby declared that subsection 2 does not apply, and has never applied to any lane laid out in the rear of lands abutting on another highway or to any outlet connecting such a lane with a highway. Exception as to lane. 1928, c. 37, s. 18.

**503.**—(1) The council of any municipality may enter into an agreement with the owner of land adjacent to the intersection of any two highways under the jurisdiction of the council for the removal or alteration of any tree, shrub, bush, hedge, fence, signboard or other object on said land which may obstruct the view of drivers of vehicles or pedestrians on the highway when approaching such intersection. Agreement for removal of obstructions to view of drivers.

(2) If the council is unable to make an agreement as provided in subsection 1, it may apply to the judge of the county court of the county in which the said land is situate for an order compelling the removal or alteration of any object in respect to which the application is made, upon such notice to the owner of the land affected as the said judge may direct, and the judge may make an order, subject to the payment of such compensation or upon such other conditions as he may fix, compelling the owner of the land to remove or alter such object, or authorizing the municipal corporation to remove or alter the same and for that purpose to enter upon the said land, and *The Judges' Orders Enforcement Act* shall apply to such an order. Application to judge for order. R.S.O. 1927, c. 233, s. 491. Rev. Stat. c. 123.

**504.** The council of an urban municipality may pass by-laws for regulating the erection or occupation of dwelling houses on narrow streets, lanes or alleys or in crowded or unsanitary districts. Dwelling houses on narrow streets. R.S.O. 1927, c. 233, s. 492.

Power to regulate and prohibit erection of dwelling houses.

**505. The council of a city having a population of not less than 50,000 may pass by-laws for:**

1. Prohibiting the erection or occupation of dwelling houses on highways, lanes or alleys of less width than that prescribed by the by-law;

2. Prescribing the minimum area of vacant land which shall be attached to and used with any dwelling house thereafter erected, as the courtyard or curtilage of it;

3. Prohibiting the erection of dwelling houses or the alteration of other buildings for the purpose of adapting them for use as dwelling houses, if the same front on a highway less than 40 feet in width, unless the street has been established as a highway by by-law of the council or otherwise assumed for public use by the corporation. R.S.O. 1927, c. 233, s. 493.

**506. By-laws may be passed:**

Granting aid for opening or improving, etc., highways.

1. By the council of every municipality for granting aid to the corporation of any immediately adjoining municipality towards opening, widening, maintaining or improving any highway within such municipality, or constructing, maintaining or improving any bridge therein.

By local municipalities to county.

2. By the council of every local municipality for granting aid to the corporation of the county in which the municipality is situate towards opening and making any new road on the boundary of the municipality or constructing any new bridge on such boundary line.

By cities, towns and villages to township.

3. By the councils of cities, towns and villages for granting aid to the corporation of a township in the county in which the city, town or village is territorially situate or in an adjoining county towards opening, widening, maintaining or improving any highway in such township which constitutes or is to constitute or forms or is to form part of a highway leading to such city, town or village, or towards constructing, maintaining or improving any bridge forming or which is to form part of such highway.

By counties for boundary lines.

4. By the councils of counties for granting aid towards making, improving or maintaining any county or township boundary line.

By counties to towns, villages and townships.

5. By the councils of counties for granting aid to the corporation of any town, village or township towards,—

(a) opening any new highway or constructing any new bridge in the municipality;

- (b) opening, widening, maintaining or otherwise improving any highway leading from or passing through the municipality into a county road, or constructing, maintaining or improving any bridge forming, or which is to form, part of such highway.

6. By the councils of townships,—

By townships to county.

- (a) for granting aid to the corporation of a county adjoining that in which the township is situate towards opening, widening, maintaining or improving any highway lying between the township and another municipality in the adjoining county, or towards constructing, maintaining or improving any bridge on such highway;

- (b) for granting aid for the like purposes to the corporation of the county in which the township is situate in respect of any highway or bridge within the township assumed as a county road or bridge or agreed to be so assumed on condition that such aid shall be granted.

7. By the council of a township in unorganized territory for opening, widening, maintaining or improving any highway or constructing, maintaining or improving any bridge in an adjoining municipality or in a municipality situate in such adjoining municipality or in an adjoining unorganized township or in adjoining unsurveyed territory or for granting aid to any adjoining municipality or to any municipality situate in such adjoining municipality for any of such purposes.

By townships in unorganized territory.

8. The aid may be granted by way of loan or otherwise.

Character of aid.

R.S.O. 1927, c. 233, s. 494.

**507. By-laws may be passed by the council of every municipality:**

1. For setting apart portions of the highways at or near the sides of them for the purpose of boulevards, and for permitting the owners of land abutting on a highway to construct, make and maintain at their own expense boulevards on that part of the highway which may be set apart for that purpose, but not so as unreasonably to confine, impede or incommode public traffic.

Boulevards.

2. For regulating the construction, maintenance and protection of such boulevards. R.S.O. 1927, c. 233, s. 495, pars. 1-2.

Regulations.

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or

Areas and openings under highways.

other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, and for permitting the owners of land to maintain and use signs and other advertising devices which project over the sidewalks, for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable, and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, or otherwise as may be required by the by-law.

Annual  
charge for.

- (a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition shall be payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.

Liability  
of corpora-  
tion for  
damages.

- (b) The corporation shall be liable for any want of repair of the highway which may result from the construction, maintenance and use of any such area or opening, bridge or structure, sign or advertising device, but shall be entitled to the remedy over provided for by section 486 against the person by whose act or omission the want of repair is caused. R.S.O. 1927, c. 233, s. 495, par. 3; 1935, c. 43, s. 11; 1936, c. 39, s. 31.

Bicycle and  
foot paths.

4. For setting apart so much of any highway as the council may deem necessary for the purposes of a bicycle path or of a foot path.

- (a) Any person who rides or drives a horse or other beast of burden or a motor vehicle, waggon, carriage or cart over or along any such path shall incur a penalty of not less than \$1 or more than \$20.

Selling tim-  
ber on road  
allowance.  
Rev. Stat.  
c. 36.

5. Subject to the rights of a Crown timber licensee under *The Crown Timber Act*, for preserving or selling the timber or trees on any original allowance for road.

Regulations  
re pits,  
precipices,  
etc.

6. For making regulations as to pits, precipices and deep waters and other places dangerous to travellers.

Stone and  
gravel pits.

7. For acquiring either alone or jointly with the corporation of another municipality such land in either municipality as may be deemed necessary for procuring therefrom stone or gravel for use in making, maintaining or repairing the highways under the jurisdiction of the council or councils.



8. For entering upon and searching for and taking from land within the municipality, or with the consent of the council of an adjacent municipality expressed by by-law or resolution from land in such municipality, such timber, gravel, stone or other material as may be necessary for constructing, maintaining and keeping in repair the highways and bridges.

Power to enter upon land to take timber, gravel, etc.

(a) The compensation to be paid to the owners of and other persons interested in the land for the timber, gravel, stone or other material shall be agreed upon or determined by arbitration before the power to take it is exercised.

Compensation—how determined.

(b) The compensation may be a lump sum for the privilege of taking as much timber, stone, gravel or other material as may be required, or a sum determined by the quantity taken, or a price by the cubic yard or otherwise for what may be taken, as may be agreed on or be determined by the arbitrators.

Idem—how computed.

(c) Where it is necessary in the exercise of any of the powers conferred by the by-law to pass through or over the land of another person, the corporation may do so as occasion may require, doing no unnecessary damage, but before doing so, the compensation to be paid for the exercise of such power shall be agreed upon or determined by arbitration. R.S.O. 1927, c. 233, s. 495, pars. 4-8.

Right to pass over lands.

(NOTE.—See also *The Highway Improvement Act* and *The Public Lands Act*. Rev. Stat. cc. 56, 33.)

**508.** The council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, roadmaking machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

Purchasing or renting road making machinery.

(a) The debentures issued under this paragraph shall be on the instalment plan. R.S.O. 1927, c. 233, s. 496.

**509.** The council of every municipality may pass by-laws for subscribing for any number of shares in the capital stock of or for lending money to or guaranteeing the payment of any money borrowed by a bridge company incorporated for the purpose of erecting and maintaining any bridge within, or partly within, the municipality or between it and another municipality. R.S.O. 1927, c. 233, s. 497.

Taking stock in bridge company.

Joint works  
with other  
municipali-  
ties.

**510.** The council of a local municipality may pass by-laws for entering into and performing any agreement with any other council in the same county for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council. R.S.O. 1927, c. 233, s. 498.

*Trees on Highways.*

"Tree",  
meaning of.

**511.**—(1) In this section "tree" shall include a growing tree, or shrub planted or left growing on either side of a highway for the purpose of shade or ornament.

Planting.

(2) Any person may plant trees on a highway with the approval of the council of the municipality expressed by resolution.

Land to  
which appur-  
tenant.

(3) Every tree upon a highway shall be appurtenant to the land adjacent to the highway and nearest thereto.

By-laws.

(4) The council of every municipality may pass by-laws,—

(a) authorizing and regulating the planting of shade or ornamental trees upon any highway;

(b) granting money to be expended for such purpose;

(c) granting money by way of bonus not exceeding twenty-five cents each for planting on any highway or within six feet thereof ash, basswood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, sassafras, spruce, walnut, or white-wood trees, such bonus to be payable at the expiration of three years from date of planting if the trees are then alive, healthy and in good form;

(d) for preserving trees;

(e) for prohibiting the injuring or destroying of trees;

(f) for causing any tree planted upon a highway to be removed when deemed necessary in the public interest but the owner of the tree shall be given ten days' notice of the intention of the council to remove such tree and be recompensed for his trouble in planting and protecting it, and if he so desires shall be entitled to himself remove the tree, but shall not be entitled to any further or other compensation;

(g) prohibiting the planting of any species of tree which the council deem unsuited for that purpose and for the removal without notice of such trees growing on a highway or planted thereon contrary to the provisions of any such by-law;

(h) authorizing any officer or committee of the council to supervise the planting of trees upon the highways and the trimming of trees planted upon a highway or upon private property where the branches extend over a highway, or to remove decayed or dangerous trees or trees which have by by-law of the municipality been directed to be removed.

(5) The notices required by subsection 4 may be given by leaving the same with a grown-up person residing on the land or if the land is unoccupied by posting it in a conspicuous place on the land. Service of notices.

(6) Save with the authority of the council or a committee or officer thereof appointed as aforesaid no person shall remove or cut down or injure any tree growing upon a highway. Consent required to removal, etc.

(7) Any person who ties or fastens any animal to, or injures or destroys a tree growing upon a highway or who suffers or permits any animal in his charge to injure or destroy such tree or who cuts down or removes any such tree contrary to the provisions of this section shall incur a penalty not exceeding \$25, one-half of which shall go to the person laying the information, and the other half to the corporation of the municipality within which such tree was growing. Prohibition as to tying animals, etc. Penalty. R.S.O. 1927, c. 233, s. 499.

(NOTE.—*For by-laws to preserve or sell timber or trees on any original allowance for road, see section 507, par. 5.*

*For provisions as to trees on the King's Highway, see The Highway Improvement Act, Rev. Stat. c. 56, s. 71.)*

**512.**—(1) The councils of united counties may pass by-laws for raising or borrowing money to be expended exclusively in any one of the counties forming the union. Expenditure for works in any county of a union.

(2) None of the members of the council but those representing local municipalities in the county in which the expenditure is to be made shall vote upon the by-law except in the case of an equality of votes, when the warden shall have the casting vote. What members to vote on by-law.

(3) The sums to be raised by taxation for the purpose of making any such expenditure and the sums required to be raised to pay the principal and interest of any money borrowed for that purpose shall be assessed and levied only upon the rateable property in the county in which the expenditure is to be made. What property assessable for rates.

(4) Every debenture issued under the authority of the by-law shall be issued as the debenture of the corporation of the united counties, but it shall be stated in the body of it that the payment of the principal and interest is to be provided for by Debentures, issue of.

a special rate upon the rateable property in the county in which the expenditure is to be made and upon that property only. R.S.O. 1927, c. 233, s. 500.

Prizes for  
best kept  
roadside,  
etc.

**513.** The council of a township may pass by-laws for granting a prize not exceeding \$10 for the best kept roadside, farm front and farm house surroundings, in each public school section in the township, and for prescribing the conditions upon which such prizes may be competed for and awarded. R.S.O. 1927, c. 233, s. 501.

**514. The councils of all municipalities may pass by-laws:**

Obstruction  
of highways.

1. For prohibiting or regulating the obstructing, incumbering, injuring or fouling of highways or bridges.

Removal of  
doorsteps,  
etc.

2. For requiring doorsteps, porches or other erections or things projecting into or over any highway to be removed by the owner or occupant of the land in connection with which they exist.

Prohibiting  
building or  
maintaining  
fences on  
highways,

3. For prohibiting the building or maintaining of fences on any highway or the placing or depositing of firewood or any other thing calculated to obstruct it or to obstruct or interfere with public travel on it, on any highway or bridge, and for requiring the removal of them by the person by whom the same are or were so built, maintained, placed or deposited.

Worm  
fences.

(a) Unless the by-law otherwise provides, a by-law passed under the authority of paragraph 3 shall not extend or apply to a worm fence which is not for more than half its width upon the highway, or to materials to be used for the construction or repair of a highway or bridge, if they do not interfere with the use of it for public travel.

Prohibiting  
throwing  
dirt, glass,  
etc., on  
highways.

4. For prohibiting the throwing, placing or depositing on any highway or bridge, of dirt, filth, glass, handbills, paper, or other rubbish or refuse, or the carcass of any animal.

Ditches and  
culverts.

5. For prohibiting the obstruction of ditches or culverts upon highways.

Traffic  
signs.

6. To provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic; provided that no by-law shall authorize the placing of such signs upon that portion of any highway which lies between the double tracks of a street railway constructed upon such highway known as the devil strip. R.S.O. 1927, c. 233, s. 502.



7. For erecting, maintaining and operating, or granting to any person for such period of time, not exceeding five years, and upon such terms and conditions as the council may deem expedient, the exclusive right for erecting, maintaining and operating on any highway or portion of a highway automatic or other mechanical meters or devices, with the necessary standards for the same, for the purpose of controlling and regulating the parking of any vehicle on the highway and measuring and recording the duration of such parking, for requiring drivers of every vehicle parked on such highways to make use of the said meters or devices, and to pay for parking such vehicle on the highway a fee according to the amount or scale prescribed by the by-law and as measured by the meter or device, and for prohibiting parking of vehicles on such highway or portion of a highway unless such meter or device is made use of and such fee is paid, and for limiting the right of parking of vehicles on such highway to such drivers as do make use of the said meters or devices and pay the said fees.

Installation of meters for controlling parking of vehicles on highways, and charging of fees for parking.

(a) It shall not be necessary for the council to comply with any requirement of *The Municipal Franchises Act* in granting to any person the right to erect, maintain and operate the said meters or devices.

Rev. Stat., c. 277, not applicable.

(b) The corporation, or a person to whom the right is granted, shall not, except in case of negligence, be liable for personal injury or for damage by reason of the erection, maintenance or operation of the said meters or devices with the necessary standards for the same under the authority of a by-law passed under this paragraph, or by reason of a vehicle being parked on the highway under the terms of such by-law.

Limitation of actions except for negligence.

1936, c. 39, s. 32.

**515.**—(1) Where a highway for the site of which compensation was paid is established and laid out in place of the whole or any part of an original allowance for road, or where the whole or any part of a highway is legally stopped up, if the council determines to sell such original allowance or such stopped up highway, the price at which it is to be sold shall be fixed by the council, and the owner of the land which abuts on it shall have the right to purchase the soil and freehold of it at that price.

Selling original road allowance.

(2) Where there are more owners than one, each shall have the right to purchase that part of it upon which his land abuts to the middle line of the stopped up highway.

Prior right of owners of abutting lands.

(3) If the owner does not exercise his right to purchase within such period as may be fixed by the by-law or by a subsequent by-law, the council may sell the part which he has the

Sale by council to other persons.

right to purchase to any other person at the same or a greater price. R.S.O. 1927, c. 233, s. 503.

Where owner of land taken for highway entitled to original road allowance.

**516.**—(1) Where a highway for the site of which compensation was not paid has been laid out and opened in the place of the whole or any part of an original allowance for road, the owner of the land appropriated for the highway or his successor in title, if he owns the land which abuts on such allowance, shall be entitled to the soil and freehold of it, and if it has not already been conveyed to him or his predecessor in title, to a conveyance of it.

When more than one owner.

(2) Where the land which so abuts is owned by more persons than one, each shall be entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which his land abuts to the middle line of the allowance.

Where owner of land taken owns no land abutting on allowance.

(3) If the owner of the land appropriated for the highway or his successor in title does not own any land abutting on the allowance and the allowance is sold by the council, he shall be entitled to a part of the purchase money which bears the same proportion to the whole purchase money as the value of the part of the site of the new highway which belonged to him bears to the value of the whole site. R.S.O. 1927, c. 233, s. 504.

When person in possession entitled to original allowance.

**517.**—(1) A person in possession of the whole or any part of an original allowance for road in place of which he or any of his predecessors in title has laid out and opened a new road or street without receiving compensation for the site of it, shall be entitled to the soil and freehold of such allowance or part of it, and if it has not already been conveyed to him or to his predecessor in title, to a conveyance of it.

Where several persons in possession.

(2) Where there are more persons than one in such possession, each shall be entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which his land abuts to the middle line of the allowance.

Requirement as to assumption of road by corporation.

(3) If the road has not been adopted by by-law of the council or otherwise assumed for public use by the corporation, this section shall not apply until the new road or street is adopted by by-law of the council, and the council by by-law declares that the original allowance is, in its opinion, useless to the public. R.S.O. 1927, c. 233, s. 505.

Stopping up highways in unorganized territory.

**518.** The Lieutenant-Governor in Council may stop up, alter, widen or divert any highway or part of a highway in a provisional judicial district not being within an organized municipality, and may sell or lease the soil and freehold of any such highway or part of a highway which he has stopped up or

which in consequence of an alteration or diversion of it no longer forms part of the highway as altered or diverted. R.S.O. 1927, c. 233, s. 506.

**519.**—(1) The council of a township in unorganized territory surveyed without road allowances, but in which five per centum of the area is reserved for highways, may pass by-laws for opening and making highways where necessary and the provisions of this Act as to compensation for lands taken or injuriously affected by the exercise of the powers conferred by this section shall not apply.

Opening up  
highways  
where five  
per cent.  
reserved.

(2) In cases of deviations from road allowances and of roads laid out where there are no road allowances as provided in subsection 1, the corporation shall cause a plan thereof, so far as the same affects ungranted lands of the Crown to be made by an Ontario land surveyor and shall file the same in the Department of Lands and Forests. R.S.O. 1927, c. 233, s. 507.

Filing plan  
of roads in  
Department  
of Lands  
and Forests.

## PART XXI.

### PENALTIES AND ENFORCEMENT OF BY-LAWS.

**520.**—(1) By-laws may be passed by the councils of all municipalities and by boards of commissioners of police imposing penalties not exceeding \$50, exclusive of costs, upon every person who contravenes any by-law of the council or of the board passed under the authority of this Act.

Power to  
impose  
penalties.

(2) Every such penalty shall be recoverable under *The Summary Convictions Act*, all the provisions of which shall apply, except that the imprisonment may be for any term not exceeding six months for the breach of a by-law of the council or the board of commissioners of police of a city, and in all other cases for any term not exceeding twenty-one days. R.S.O. 1927, c. 233, s. 508.

The Recovery of.  
Rev. Stat.  
c. 136.

**521.** Except where otherwise expressly provided, the penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*, but prosecutions for offences against section 151, 155, 199 or 201 shall be heard and determined by a magistrate or two justices of the peace. R.S.O. 1927, c. 233, s. 509.

Prosecutions.  
Rev. Stat.  
c. 136.

**522.** Where a prosecution is brought by a peace officer or employee of the corporation or of the local board of health,

Application  
of penalties.

the whole of the penalty shall belong to the corporation, and in other cases shall belong one-half to the corporation and the other one-half to the prosecutor. R.S.O. 1927, c. 233, s. 510.

Convictions  
not invali-  
dated for  
want of  
proof of  
by-law.

**523.**—(1) A conviction for a contravention of any by-law shall not be quashed for want of proof of the by-law before the convicting justice, but the court or a judge hearing the motion to quash may dispense with such proof or may permit the by-law to be proved by affidavit, or in such other manner as may be deemed proper.

Requirement  
as to proof.

(2) Nothing in this section shall relieve a prosecutor from the duty of proving the by-law or entitle the justice to dispense with such proof. R.S.O. 1927, c. 233, s. 511.

Enforcing  
performance  
of things re-  
quired to be  
done under  
by-laws.

**524.** Where a council has authority to direct or require by by-law or otherwise that any matter or thing be done, the council may by the same or by another by-law direct that in default of its being done by the person directed or required to do it, such matter or thing shall be done at his expense, and the corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes, or the council may provide that the expense incurred by it, with interest, shall be payable by such person in annual instalments not exceeding ten years and may, without obtaining the assent of the electors, borrow money to cover such expense by the issue of debentures of the corporation payable in not more than ten years. R.S.O. 1927, c. 233, s. 512.

Power to  
restrain by  
action.

**525.** Where a building is erected or used or land is used in contravention of a by-law passed under the authority of this Act, in addition to any other remedy provided by this Act, and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of the corporation. R.S.O. 1927, c. 233, s. 513.

## PART XXII.

### POLICE VILLAGES.

#### *Formation of.*

Formation  
of police  
village.

**526.**—(1) Under and subject to the provisions and conditions hereinafter mentioned, a locality may be erected into a police village by the council of the county in which it is situate,



or if it comprises parts of two or more counties by the council of the county in which the larger or largest part of the locality is situate.

(2) Where a petition signed by a majority of the owners of the locality whose names are entered on the last revised assessment roll and by a sufficient number of the resident tenants of the locality whose names are entered on such roll to make up with such owners a majority of the whole number of owners and tenants whose names are so entered, praying for the erection of the locality into a police village, is presented to the council, the council, if the locality has a population of not less than 150, and an area of not more than five hundred acres, may pass a by-law erecting the locality into a police village to take effect from a day to be named in the by-law declaring the name which the police village shall bear and its boundaries, fixing a time and place and naming the returning officer for holding the first election of trustees and fixing a time and place for the first meeting of trustees.

Petition of freeholders and tenants required.

By-law erecting village and fixing date of first election, etc.

(3) Where a petition has been presented as provided by subsection 2 and is sufficiently signed, and the council of the county does not at its next meeting after the presentation of the petition pass a by-law erecting the police village, application may be made to the Municipal Board for an order erecting the locality described in the petition into a police village, and the Board upon being satisfied that the petition has been duly signed and presented to the council, and that the council has neglected to act, and that the locality contains a population of not less than 150 and has an area of not more than five hundred acres, and that the convenience of the inhabitants of the locality requires the erection of the police village, may make an order erecting the locality into a police village, the order to take effect at a date to be named therein, declaring the name the police village shall bear and its boundaries, fixing the time and place and naming the returning officer for holding the first election of trustees and fixing the time and place for the first meeting of trustees. R.S.O. 1927, c. 233, s. 514.

Power of Municipal Board to erect police village on failure of county.

**527.**—(1) When the population of a police village exceeds 500, the council of the county by which it was established may, on petition of two-thirds of the owners and tenants of the village, whose names are entered upon the last revised assessment roll, and of the majority of the resident owners and tenants of the territory proposed to be added, whose names are entered on the last revised assessment roll of the municipality, may by by-law increase the area of the village by adding to it any adjoin-

Annexation of territory to police village.

ing land, but not exceeding twenty acres for each additional 100 of its population over 500.

Extension  
of limits  
of police  
village.

(2) In the case of a police village having a population of less than 500 and an area of less than five hundred acres, the council of the county, on petition as required by subsection 1, may by by-law increase the area of such village by adding to it any adjoining land so that the total area shall not exceed five hundred acres.

Land in  
other county.

(3) Land in another county shall not be included in the increased area without the consent of the council of that county. R.S.O. 1927, c. 233, s. 515.

Power of  
Municipal  
Board to  
increase  
area  
on failure  
of county  
to  
act.

(4) Where a petition has been presented to increase the area of a police village as provided in subsection 1 or 2 and is sufficiently signed and the council of the county does not at its next meeting after the presentation of the petition pass a by-law increasing the area of the said police village, application may be made to the Municipal Board for an order increasing the area as requested in the said petition and the Board, upon being satisfied that the petition has been duly signed and presented to the council and that the council has failed to act, may make an order increasing the area of the said police village by adding to it any adjoining land as described in the said petition, provided, however, that the addition does not exceed the limitation as set out in subsections 1 and 2, respectively, or include land in another county if the consent of the council of that county has not been obtained. 1932, c. 29, s. 21.

Application  
of proceed-  
ings as to  
incorpora-  
tion of  
village.

**528.** Subsections 2, 3, 5, 6 and 9 of section 12 shall apply to the proceedings under sections 526 and 527 and the population of the locality shall be determined in case of dispute in such manner and by such means as the council shall determine. R.S.O. 1927, c. 233, s. 516.

#### *Formation of Police Villages in Provisional Judicial Districts.*

Erection of  
police vil-  
lages in  
provisional  
judicial  
districts.

**529.**—(1) A locality in an organized township or in two or more adjoining organized townships in a provisional judicial district may be erected into a police village by order of the Municipal Board.

Order of  
Board on  
receipt of  
petition.

(2) The order may be made by the board on receipt of a petition signed by a majority of the owners of the locality whose names are entered on the last revised assessment roll, and by a sufficient number of the resident tenants of the locality whose names are entered on such roll to make up with such owners a majority of the whole number of owners and tenants whose names are so entered.

(3) No police village shall be erected under this section until the locality described in the petition contains a population of not less than 150 and has an area of not more than five hundred acres, but the Board may increase the area of such village in the like manner and under the same circumstances as set out in section 527 in the case of a police village situate in a county, and section 527 shall *mutatis mutandis* apply to proceedings under this section.

Area of police villages in provisional judicial district.

(4) All the provisions of this Act with regard to police villages in counties shall, so far as practicable, apply to a police village erected in a provisional judicial district, R.S.O. 1927, c. 233, s. 517.

Provisions of Act re police villages in counties to apply.

*Trustees—Election of, etc.*

**530.**—(1) There shall be three trustees for every police village.

Trustees—number of.

(2) The trustees may contract and may sue and be sued, and may pass by-laws by and in the name of the trustees of the police village of (*naming it*), but they shall not be personally liable upon their contracts. R.S.O. 1927, c. 233, s. 518.

General powers.

**531.**—(1) Except where other provision is made in this Part and except as provided by subsections 2 to 6, the provisions of Parts II, III, and IV, which are applicable to councillors of townships, shall apply *mutatis mutandis* to trustees of police villages.

Application of provisions as to election, etc., of township councillors.

(2) The trustees shall appoint the returning officer and the place within the village for holding the nomination and for the polling of every election except the first.

Appointment of returning officer—nomination and polling.

(3) The clerk of every township, a part of which is comprised in the village, not later than the day before that on which the polling is to take place, shall deliver to the returning officer of the village a copy of so much of the voters' list as relates to the village, attested by his declaration in writing as a true copy thereof.

Duty of clerk of township as to preparing voters' list.

(4) The return of the ballot box provided for by section 135 shall be made,—

Return of ballot box.

(a) where the village lies wholly within the township, to the clerk of that township;

(b) where the village comprises parts of two or more townships in the same county, to the clerk of that county;

(c) where the village comprises parts of two or more townships in different counties, to the clerk of the county in which the larger or largest part of the village is situate.

Duties of clerk on receiving ballot box.

(5) The clerk to whom the ballot box is returned shall perform the duties which under sections 139 and 140 are to be performed by the clerk of a municipality.

Qualification of trustee.

(6) No person shall be qualified to be elected a trustee unless he has the prescribed qualification in respect of land situate in the village and resides in or within two miles of the village.

(NOTE.—*See Sec. 259 as to declaration of qualification.*)

Qualification of elector.

(7) No person shall be qualified to vote at an election of trustees unless he has the prescribed qualification in the village.

First meeting of trustees.

(8) The first meeting of the trustees after the annual election shall be held at noon on the third Monday in January, or on some day thereafter at noon. R.S.O. 1927, c. 233, s 519.

(NOTE.—*Sec. Sec. 444 (3) as to remuneration of trustees.*)

Vacancies—how filled.

**532.** If a vacancy occurs in the office of trustee, the remaining trustees or trustee shall, by writing, appoint a trustee to fill the vacancy. R.S.O. 1927, c. 233, s. 520.

Appointment of inspecting trustee.

**533.**—(1) The trustees shall, by writing, appoint one of their number to be inspecting trustee.

Requirement as to filing appointment of inspecting trustee, etc.

(2) Forthwith after the making of an appointment under subsection 1 or under section 532, the writing by which the appointment is made shall be filed with the clerk to whom the ballot box is to be returned as provided by subsection 4 of section 531. R.S.O. 1927, c. 233, s. 521.

Requisition on township council to raise sums to meet expenditure.

**534.**—(1) The trustees may at any time before the 1st day of June in any year by a requisition in writing require the council of the township in which the village is situate to cause to be levied, along with the other rates upon the rateable property in the village, such sum as the trustees deem necessary to defray the expenditure of the trustees for the current year.

Case of village situate in more than one township.

(2) Where the village comprises parts of two or more townships, the requisition shall be made on the council of each township for its proportion of the whole amount to be levied as ascertained in the manner provided by section 535.

Limit of rates.

(3) The amount which the trustees may require to be so levied shall not in any year exceed a sum which a rate of one



and one-half cents in the dollar in the case of a police village in a township or townships in which statute labour has been abolished and in other cases, one cent in the dollar on the rateable property in the village will provide, but this shall not apply to a rate imposed or to be levied under section 540, 541 or 543. R.S.O. 1927, c. 233, s. 522.

**535.**—(1) Where a village comprises parts of two or more townships, the proportion of the amount required to be levied in each township shall be determined by the assessors of the townships. Apportionment of rate among townships by assessors.

(2) Where a police village is hereafter erected, the assessors shall meet forthwith after the election for the purpose of determining and shall determine the proportion to be levied in each township. Time for meeting of assessors.

(3) Thereafter and in the case of all other police villages, the meeting shall be held in every second year. Subsequent meetings.

(4) Except in the case of a newly erected police village, the two years shall be reckoned from the respective times when the last determination was made by the assessors. How interval computed.

(5) If the assessors differ, notice of the fact shall be forthwith given to the inspecting trustee, who shall act with the assessors in determining the proportions, and the decision of a majority shall be final and conclusive. Determination when assessors differ.

(6) The determination of the assessor or of the assessors and the inspecting trustee shall be forthwith communicated to the clerk of each of the townships. Notice of determination to be given to clerk of township.

(7) The meeting of the assessors shall be called by the assessor of the township in which is situate the larger or largest part of the rateable property of the village. Who to call meeting of assessors.

(8) The proportions as determined under this section shall govern until the next determination is to be made as provided by subsection 3. R.S.O. 1927, c. 233, s. 523. How long determination to govern.

**536.**—(1) The ratepayers of the village shall be entitled to such deduction from the township rate payable by them as may be agreed on between the trustees and the council of the township, or if the village comprises parts of two or more townships, by the councils of the respective townships, or if they are unable to agree, as shall be determined by a judge of the county court of the county in which the village, or if it comprises more counties than one, the larger or largest part of the village is situate. Reduction of township rates—determination of.

Application  
to judge.

(2) Either party may at any time apply to the judge for a modification of the terms of the agreement or order. R.S.O. 1927, c. 233, s. 524.

Performance  
of statute  
labour.

**537.**—(1) The trustees shall be entitled to have the statute labour to be performed by the ratepayers of the village performed in the village.

When coun-  
cil required  
to commute.

(2) If the trustees request the council of a township to commute the statute labour payable by the ratepayers in that part of the village which is situate in the township, the council shall provide for such commutation at such rate not exceeding \$3 per day, as may be requested by the trustees.

Collection  
and applica-  
tion of com-  
mutation  
money.

(3) The amount of the commutation money shall be collected by the collector of the township and be placed to the credit of the trustees in the books of the treasurer of the township. R.S.O. 1927, c. 233, s. 525.

Powers of  
trustees.

**538.** The trustees may,—

- (a) construct sidewalks and culverts and make, improve drain and repair the highways in the village;
- (b) make contracts for the supply of light, heat, power, water or other public utilities by any person to the trustees for the purposes of the village or to the residents thereof;

and do all things necessary for any of such purposes. R.S.O. 1927, c. 233, s. 526.

Payment  
by township  
treasurer  
of orders  
of trustees.

**539.**—(1) The treasurer of a township shall, if he has money of the corporation in hand and not otherwise appropriated, from time to time pay any order of the inspecting trustee or of any two of the trustees to the extent of,—

- (a) the sum required by section 534 to be levied by the council of the township and any sum which the council is required by the provisions of this Part to place to the credit of the trustees, although the same have not been then collected;
- (b) any money received for license fees under any by-law of the trustees and for penalties for breaches of any such by-law or of sections 548, 549 and 550.

When orders  
not to be  
given.

(2) An order shall not be given under this section except for work actually performed or in payment in pursuance of an executed contract. R.S.O. 1927, c. 233, s. 527.

**540.**—(1) Upon the application of the trustees, the council of a township in which a police village is situate shall submit for the assent of the electors of the village, and if it receives such assent shall pass a by-law for borrowing money for,—

Submission  
of money  
by-laws  
for certain  
purposes.

- (a) the construction of sidewalks of cement, concrete, brick or other permanent material;
- (b) the purchase of fire engines and other appliances for fire protection and the supply of water therefor;
- (c) lighting the highways in the village;
- (d) supplying water, light, heat or power to the trustees for the purposes of the village or to the residents thereof;
- (e) acquiring land as a site for and erecting thereon a police village hall;

and for the issue of debentures of the corporation of the township for the money borrowed, payable on the instalment plan, at such time within ten years and in such manner as the trustees may request.

(2) The special rate for the payment of the principal and interest shall be imposed upon the rateable property in the village.

Special rate

(3) The money borrowed shall be retained in the hands of the treasurer of the township, and he shall pay out of it the orders of the inspecting trustee or of any two trustees in payment for work actually performed or of an executed contract with respect to the work or service for undertaking which the by-law was passed.

Expenditure  
of money  
borrowed.

(4) When the by-law is passed, the trustees may undertake the work or service.

Undertaking  
of work.

(5) The trustees shall have the control, care and management of the fire engine and appliances, and of the plant and appliances for the supply of water, light, heat or power, and of the police village hall.

Control of  
fire engines,  
etc.

(6) The trustees shall in each year before the striking of the rate by the council of the township furnish to the clerk a statement showing in detail the amount required to be levied upon the rateable property of the village for the current year for any such work or service which has been undertaken and for the care and maintenance of any fire engine and appliances purchased and for providing water therefor and for the maintenance and operation of the plant and appliances for the supply of light, heat or power and of the police village hall. R.S.O. 1927, c. 233, s. 528.

Statement  
to be fur-  
nished to  
clerk of  
township  
of amount  
required  
to be levied  
for certain  
purposes.

Purchase of fire engines and appliances with consent of township council.

**541.**—(1) The trustees may, with the consent of the council of the township in which the village is situate expressed by by-law or resolution, purchase fire engines and appliances for fire protection at a cost not exceeding \$3,000, and pay therefor in instalments within ten years.

Township to pass debenture by-law.

(2) Upon the purchase being made, the council of the township shall pass a by-law for raising the amount of the purchase money by the issue of debentures of the corporation of the township on the instalment plan, payable within ten years.

Special rate.

(3) The special rate imposed for the payment of the debentures shall be imposed upon the rateable property in the village.

Assent of electors not required.

(4) The assent of the electors to the by-law shall not be necessary.

Application of subss. 5 and 6 of s. 540.

(5) Subsections 5 and 6 of section 540 shall apply to a fire engine and appliances purchased under the authority of this section. R.S.O. 1927, c. 233, s. 529.

Agreement for use by township of fire engine.

**542.** The trustees may contract with the corporation of a township in which the whole or any part of the village is situate for the use by the corporation of a fire engine and appliances purchased under the authority of this Part upon such terms as to payment for the use of them and otherwise as may be agreed upon. R.S.O. 1927, c. 233, s. 530.

#### *Establishment of Parks, Gardens, etc.*

Acquiring land for parks, exhibitions, etc.

**543.**—(1) Upon the petition of three-fourths of the electors qualified to vote upon money by-laws, the council of a township in which a police village is situate may pass a by-law for acquiring land within or without the limits of the village for a highway or for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the council may deem necessary for the purposes of such highway, park, garden or place for exhibitions and may dispose of such land when no longer required for such purposes.

Control and management of parks, etc.

(2) The trustees shall have the care, control and management of such highway, park, garden or place.

Powers of township council as to levying cost of parks, etc.

(3) The council of the township may provide that,—

(a) the money required for the purpose mentioned in subsection 1 shall be levied upon the rateable property in the village; or



(b) such money be raised by the issue of debentures of the corporation of the township on the instalment plan, payable within ten years.

(4) The by-law shall impose the special rate for the pay-Special rates. ment of the debentures upon the rateable property in the village.

(5) The trustees shall annually before the striking of the Statement rate for the year by the council of the township, furnish to the as to amount council a statement showing in detail the amount required to be required for levied for the current year for managing and maintaining the maintenance of highway, park, garden or place for exhibitions, and the same of parks, etc. shall be levied upon the land in the village.

(6) The assent of the electors to a by-law passed under this Assent of section shall not be necessary. R.S.O. 1927, c. 233, s. 531. electors not required.

**544.**—(1) Where the village comprises parts of two or Trustees to more townships, a by-law for the purposes mentioned in sec- pass money tions 540, 541 and 543 may be passed by the trustees, with the by-laws where village assent of the electors of the village qualified to vote on money village situate in by-laws, and for the purposes of such by-laws the trustees shall two or more townships. have all the powers of the council of a village, except the power to issue the debentures for the payment of the principal and interest.

(2) The by-law shall fix the proportion of the debt, for pay-Fixing pro- ment of which the special rate is to be imposed, which is to be portion of debt to be borne by the part of the village situate in each township, and borne by parts of such proportion shall be the same as that in which the annual village. sum to be levied as provided by section 534 is to be levied according to the then last determination of the assessors or of the assessors and inspecting trustee under section 535.

(3) If the by-law receives the assent of the electors, the Certified copy for each township. trustees, after passing it, shall serve a certified copy of it upon the clerk of each of the townships.

(4) The council of each township shall forthwith thereafter By-law of township for raising money. pass a by-law for raising the amount which is to be borne by that part of the village situate in the township by the issue of debentures of the corporation of the township, payable as provided by the by-law of the trustees, and it shall not be necessary that such by-law shall receive the assent of the electors or impose any rate for the payment of the debentures.

(5) The special rates imposed by the by-law of the trustees Special rates. shall be levied and collected by the councils of the townships within which the property upon which they are imposed is situate. R.S.O. 1927, c. 233, s. 532.

Appointment  
of constable.

**545.**—(1) The trustees may appoint a constable for the village who shall have the same powers and perform the same duties within the village as a constable appointed by the council of a village.

Salary.

(2) The constable may be paid by salary or may keep for his own use the fees of his office as the trustees may determine.

When fees  
of constable  
to belong  
to village.

(3) Where the constable is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships to the treasurer of any or either of them for the use of the village. R.S.O. 1927, c. 233, s. 533.

### *Special Powers.*

Special  
powers of  
trustees.

**546.**—(1) The trustees shall have the like power to pass by-laws as is conferred on the council of a village with respect to,—

- (a) driving or riding on roads and bridges by paragraphs 9 and 10 of section 404;
- (b) free libraries by paragraph 18 of section 404;
- (c) sidewalks—vehicles on, by paragraph 48 of section 404;
- (d) pounds by paragraphs 48 to 51 of section 405;
- (e) snow and ice, removal of, by paragraphs 57 and 58 of section 405;
- (f) spitting on sidewalks by paragraph 64 of section 405;
- (g) sidewalks—horses and cattle upon, by paragraph 44 of section 407;
- (h) traffic on highway, etc., driving of cattle, etc., by paragraph 47 of section 407;
- (i) tobacconists by paragraph 2 of section 438;
- (j) bagatelle and billiard tables by paragraph 1 of section 439;
- (k) exhibitions, places of amusement, etc., by paragraph 2 of section 439; and
- (l) trees on highways by section 511.

Fixing  
amount of  
license fee.

(2) Where power is conferred to license, the license fee shall be fixed by the trustees, and subsections 1, 3, 4 and 5 of section 271 shall apply.

(3) While a by-law passed under the authority of subsection 1 is in force, no by-law of the council of the township applicable to the same subject matter shall apply to or be in force in the village. R.S.O. 1927, c. 233, s. 534. When by-law of township not to apply to village.

(4) Where a by-law is passed under clause *e* of subsection 1, the maximum length or distance of sidewalks adjoining land occupied and used as farm lands for which the occupant or owner thereof may be required to clear away and remove snow and ice or be charged with the expense of such clearing away and removal shall be limited to two hundred lineal feet notwithstanding that a greater length or distance of sidewalks may adjoin such land, and the clearing away and removal of snow and ice from such greater length or distance shall be undertaken by the trustees at the expense of the police village. 1931, c. 50, s. 38. Length of sidewalk to be cleared by owner.

**547.**—(1) Every by-law of the trustees shall be signed by at least two of them. Authentication of by-laws.

(2) A certified copy of every such by-law shall within seven days after it is passed be transmitted to the clerk of every township a part of which is comprised in the village. R.S.O. 1927, c. 233, s. 535. Certified copies to be sent to clerk of township.

### *Prevention of Fire.*

**548.**—(1) Every proprietor of a house more than one storey high shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of \$1 for every omission, and a further penalty of \$2 for every week for which such omission continues. For providing ladders, etc.

(2) Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of \$1 for each bucket not so provided. Fire buckets. Penalty.

(3) No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding \$2 for non-compliance. As to furnaces, etc. Penalty.

(4) No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood-work nearest thereto, and the pipe of every stove shall be inserted into a chimney, and there shall be at least ten inches in the clear between any stove and any lathed partition or wood-work, under a penalty of \$2. Stove pipes, etc. Penalty.

Light in  
stables, etc.

(5) No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp, unless it is well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a penalty of \$1.

Penalty.

Chimneys.

(6) No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of \$1.

Penalty.

Securing  
fire carried  
through  
streets, etc.

(7) No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, unless such fire is confined in a copper, iron or tin vessel, under a penalty of \$1 for the first offence, and of \$2 for every subsequent offence.

Penalty.

Lighting  
fires on  
streets.  
Penalty.

(8) No person shall light a fire in a street, lane or public place under a penalty of \$1.

Hay, straw,  
etc.

(9) No person shall place hay, straw or fodder, or cause the same to be placed, in a dwelling house, under a penalty of \$1 for the first offence, and of \$5 for every week the hay, straw or fodder is suffered to remain there.

Penalty.

Ashes, etc.

(10) No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of \$1.

Penalty.

Lime.

(11) No person shall place or deposit any quick or unslacked lime in contact with any wood of a house, outhouse or other building, under a penalty of \$1, and a further penalty of \$2 a day until the lime has been removed, or is secured, so as to prevent any danger from fire, to the satisfaction of the inspecting trustee.

Penalty.

Charcoal  
furnaces.  
Penalty.

(12) No person shall erect a furnace for making charcoal of wood, under a penalty of \$5. R.S.O. 1927, c. 233, s. 536.

### *Gunpowder.*

Gunpowder,  
how to be  
kept.

**549.**—(1) No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of \$5 for the first offence, and \$10 for every subsequent offence.

Penalty.

Not to be  
sold at night.

(2) No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a penalty of \$10 for the first offence, and of \$20 for every subsequent offence. R.S.O. 1927, c. 233, s. 537.

Penalty.



*Nuisances.*

**550.** No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of \$1, and a further penalty of \$2 for every week for which he neglects or refuses to remove the same after being notified to do so by the inspecting trustee or by some other person authorized by him. R.S.O. 1927, c. 233, s. 538.

Certain  
nuisances  
prohibited.  
Penalty.

**551.**—(1) It shall be the duty of the trustees to see that the provisions of sections 548, 549 and 550 are not contravened, and that offenders are prosecuted for breaches of them.

Trustees  
required to  
prosecute  
offenders.

(2) Any trustee who wilfully neglects or omits to prosecute an offender against any of the provisions of sections 548, 549 or 550, when requested so to do by a resident householder of the village who offers to adduce proof of the offence, and a trustee who wilfully neglects or omits to fulfil any other duty imposed on him by this Part, shall incur a penalty of \$5. R.S.O. 1927, c. 233, s. 539.

Penalty for  
neglect to  
prosecute.

**552.** The penalties imposed by or under the authority of this Part shall be recoverable under *The Summary Convictions Act*, all of the provisions of which shall apply except that proceedings for the recovery of penalties for contraventions of sections 548 to 551 shall be commenced within ten days after the commission of the offence, or if it is a continuing offence, within ten days after it has ceased and not afterwards. R.S.O. 1927, c. 233, s. 540.

Penalties—  
how recov-  
erable.  
Rev. Stat.  
c. 136.

*Incorporation of Trustees.*

**553.**—(1) Where a police village has a population of not less than 500, the trustees may be created a body corporate and when incorporated the corporation shall be styled "The Board of Trustees of the Police Village of—" (*naming it*).

Incorporation  
of  
board of  
trustees.

(2) The provisions of this Part as to the erection of a police village shall apply *mutatis mutandis* to an application for the incorporation of the trustees of a police village with the exception that the petition for incorporation shall be signed by not less than 50 resident owners of the village whose names are entered on the last revised assessment rolls of the municipality or municipalities of parts of which the village is composed. R.S.O. 1927, c. 233, s. 541.

Procedure  
as to incor-  
poration  
of board.

**554.**—(1) At its first meeting in each year the board shall appoint one of its members to be the chairman, and shall also appoint a secretary.

Appointment  
of chairman  
and secre-  
tary.

Presiding officer.

(2) The chairman shall, if present, preside at all meetings of the board and in his absence the board shall appoint one of its members to act as chairman during such absence. R.S.O. 1927, c. 233, s. 542.

Authentication of by-laws.

**555.**—(1) The by-laws of the board shall be signed by the chairman or acting chairman and shall be sealed with its seal.

Proof of by-laws.

(2) The provisions of this Act as to the proof of by-laws of a council shall apply to the by-laws of the board. R.S.O. 1927, c. 233, s. 543.

Repair and maintenance of improvements and works.

**556.** The expenses of repairing and maintaining all works, improvements and services undertaken by the board under the authority of this Act, shall be borne by the board, and such expenses shall be levied and collected by the councils of the townships on the requisition in writing of the board, in like manner as the money to be levied as provided by section 534. R.S.O. 1927, c. 233, s. 544.

Remedy over of township against board for damages occasioned by non-repair.

**557.**—(1) If the board makes default in maintaining and keeping in repair any such work, and the corporation of a township becomes liable under section 480 for damages suffered by or occasioned to any person in consequence of such default, the corporation shall be entitled to the remedy over against the board provided for by section 486.

Special rate for collection of amount of damages.

(2) The amount required to satisfy the liability of the board shall be levied and collected by a special rate on the rateable property in the village, and it shall be the duty of the board to make a requisition in writing to the council of the township to levy and collect the same.

Apportionment of special rate.

(3) Where the village comprises parts of two or more townships the special rate shall be apportioned between the townships in the manner provided by section 535, and shall be levied and collected by the councils thereof in accordance with the requisition of the board. R.S.O. 1927, c. 233, s. 545.

Power to construct water, light, heat, power and gas works.

**558.**—(1) The board shall have the like powers as the council of a village for constructing, purchasing, improving, extending, maintaining, managing and conducting water, light, heat, power and gas works.

Copy of by-law to be filed with township clerk.

(2) A copy of every by-law passed under the authority of subsection 1, shall be filed with the clerk of every township in which any part of the village is situate.

Special rates.

(3) Where the village is situate in one township, the council of that township shall levy and collect the amount required to

be raised under any such by-law by a special annual rate upon the rateable property in the village, and where the village comprises parts of two or more townships, the council of each township shall levy and collect the proportion of the amount to be raised by it by a special annual rate on the rateable property in that part of the village situate in such township.

(4) The proportion to be raised by each township shall be determined under the provisions of section 535. Proportion of each township.

(5) Where it is necessary to issue debentures for any of the purposes of this section the township or townships in which the village is situate may issue debentures for its due proportion to be determined as aforesaid. R.S.O. 1927, c. 233, s. 546. Issue of debentures.

**559.**—(1) The powers expressly conferred on boards of trustees of police villages shall be in addition to the powers conferred by this Part on trustees of a police village, and except where other provision is made by this Part with respect to such boards all the provisions of this Part relating to trustees of police villages shall apply to such boards. Board to have all powers of trustees of a police village.

(2) Section 520, and sections 523 and 524 shall apply *mutatis mutandis* to by-laws passed under the authority of this Part by a board of trustees of a police village. R.S.O. 1927, c. 233, s. 547. Power to impose penalties, etc.

## PART XXIII.

### MISCELLANEOUS.

**560.** Where the forms therefor are not prescribed by this Act the Municipal Board may approve of forms of by-laws, notices and other proceedings to be passed, given, or taken under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding which is in substantial conformity with the form so approved, shall not be open to objection on the ground that it is not in accordance with the provisions of this Act applicable thereto, but the use of such forms shall not be obligatory. R.S.O. 1927, c. 233, s. 548. Forms of notices, etc., by-laws.

**561.** The Lieutenant-Governor in Council may by proclamation declare that section 566 of *The Consolidated Municipal Act, 1903*, shall cease to have effect on and from a day to be named in such proclamation and on and from that day the section shall be deemed to be repealed. R.S.O. 1927, c. 233, s. 549. Repeal of 3 Edw. VII. c. 19, s. 566.

## FORM 1.

DECLARATION OF INCORPORATION.  
TOWNSHIPS IN UNORGANIZED TERRITORY.

I, \_\_\_\_\_ Judge of the District  
Court of the Provisional Judicial District of  
hereby certify:

1. That the inhabitants of the township of \_\_\_\_\_  
in the said district (*or* of that part of the said district) described as fol-  
lows: (*describing it*) *or* of the townships of \_\_\_\_\_  
and \_\_\_\_\_ in the said district  
(*as the case may be*), are incorporated as a township municipality (*or* as  
a union of townships municipality, *as the case may be*), by the name  
of the corporation of the Township of \_\_\_\_\_, (*or* of the  
united townships of \_\_\_\_\_, *as*  
*the case may be*).

2. That \_\_\_\_\_ was elected reeve  
and \_\_\_\_\_  
were elected councillors for the municipality.

3. The first meeting of the council shall be held on the  
day of \_\_\_\_\_ at \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 19 \_\_\_\_.

R.S.O. 1927, c. 233, Form 1.

## FORM 2.

## DECLARATION OF QUALIFICATION BY CANDIDATE.

I, A.B., a candidate for election to the office of \_\_\_\_\_ in the  
municipality of \_\_\_\_\_ declare that:

1. I am a householder residing in this municipality and am assessed as  
owner (*or* tenant) of a dwelling or apartment house (*or* part of a  
dwelling or apartment house separately occupied as a dwelling) or (am  
rated on the last revised assessment roll for land held in my right for  
an amount sufficient to entitle me to be entered on the voters' list) and  
that I reside in (*or* within five miles of) the municipality.

2. I am entered on the last revised voters' list as qualified to vote at  
municipal elections.

3. I am a British subject and am not a citizen or a subject of any  
foreign country.

4. I am of the full age of twenty-one years.

5. I am not disqualified under the provisions of section 53 of *The*  
*Municipal Act* or under any other Act.

And I make this solemn declaration conscientiously believing it to be  
true and knowing that it is of the same force and effect as if made under  
oath and by virtue of the *Canada Evidence Act*.

Declared before me at \_\_\_\_\_  
this \_\_\_\_\_  
day of \_\_\_\_\_

} A.B.  
\_\_\_\_\_, 19 \_\_\_\_.


R.S.O. 1927, c. 233, Form 2.



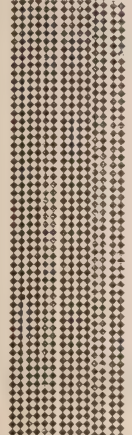
FORM 3.

BALLOT PAPER FOR CITIES AND TOWNS.

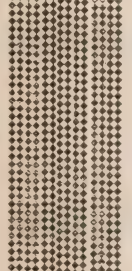
FORM FOR MAYOR.

	Election for the Members of the Municipal Council of the City of Ward No. , Polling Subdivision No. day of January, 19 .	FOR MAYOR	<b>ALLAN.</b> Charles Allan, of King Street, in the City of Toronto, Merchant.
			<b>BROWN.</b> William Brown, of the City of Toronto, Banker.

FORM FOR REEVE AND DEPUTY REEVE IN TOWNS.

	Election for the Members of the Municipal Council of the Town of Ward No. , Polling Subdivision No. day of January, 19 .	FOR REEVE.	<b>CLITHEROE.</b> Albert Clitheroe, of the Town of Galt, Baker.
			<b>HUGHES.</b> David Hughes, of the Town of Galt, Tinsmith.
			<b>FARQUHARSON.</b> Robin Farquharson, of the Town of Galt, Builder.
			<b>MacPHERSON.</b> Roderick MacPherson, of the Town of Galt, Printer.

FORM FOR ALDERMEN OR COUNCILLORS.

	Election for the Members of the Municipal Council of the City of Ward No. , Polling Sub- division No. day of January, 19	FOR ALDERMAN (or) COUNCILLOR.	<b>ARGO.</b> James Argo, of the City of Toronto, Gentleman.
			<b>BAKER.</b> Samuel Baker, of the City of Toronto, Baker.
			<b>DUNCAN</b> Robert Duncan, of the City of Toronto, Printer.

[NOTE.—In the case of cities and towns where Aldermen or Councillors are elected by general vote the form above given is to be adapted to suit the case.]

## FORM 4.

BALLOT PAPER FOR CITIES  
OF NOT LESS THAN 200,000 POPULATION.

## FORM FOR MAYOR AND CONTROLLERS.

**CITY OF TORONTO**  
**Municipal Elections**  
**JAN. 1st, 19** ☐  
**Ward No.** ☐  
**Polling Subdivision No.** ☐  
**FOR MAYOR**

**ALLAN.**

Charles Allan,  
 of King Street,  
 in the City of Toronto,  
 Merchant.

**BROWN.**

William Brown,  
 of the City of Toronto,  
 Banker.

## FORM FOR ALDERMEN.

**CITY OF TORONTO**  
**Municipal Elections Jan. 1st, 19** ☐  
**Ward No.** ☐  
**Polling Subdivision No.** ☐  
**FOR ALDERMAN**

**ARGO.**

James Argo,  
 of the City of Toronto,  
 Gentleman.

**BAKER.**

Samuel Baker,  
 of the City of Toronto,  
 Baker.

**DUNCAN.**


Robert Duncan,  
 of the City of Toronto,  
 Printer.

**ROBINSON.**

Archibald Robinson,  
 of the City of Toronto,  
 Butcher.

FORM 5.

BALLOT PAPER FOR VILLAGES.

	Election of Members of the Municipal Council of the in the County of _____, Polling Subdivision No. _____ day of January, 19 _____	FOR REEVE.	<b>BROWN.</b> John Brown, of the Village of Weston, Merchant.
			<b>ROBINSON.</b> George Robinson, of the Village of Weston, Physician.
		FOR COUNCILLORS.	<b>BULL.</b> John Bull, of the Village of Weston, Butcher.
			<b>JONES.</b> Morgan Jones, of the Village of Weston, Grocer.
<b>McALLISTER.</b> Allister McAllister, of the Village of Weston, Tailor.			
			<b>O'CONNELL.</b> Patrick O'Connell, of the Village of Weston, Milkman.





(NOTE.—Where the election is to fill a vacancy, the ballot papers are to contain only so much of the form as is required, and the counterfoils shall bear, instead of the words appearing on the form, the words “Election of....., to fill a vacancy in the office of.....Ward No....., Polling sub-division.....day of....., 19....”.

Where controllers, or commissioners, or members of the board of education are to be elected, the ballot papers are to be similar in form.)

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### FORM 7.

#### DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross, thus X, on the right hand side, opposite the name or names of the candidate or candidates for whom he votes or at any place within the division which contains the name or names of such candidate or candidates.

The voter will fold up the ballot paper so as to show the name or initials of the deputy returning officer (*or* returning officer, *as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot paper so folded to the deputy returning officer (*or* returning officer, *as the case may be*) and forthwith quit the polling place.

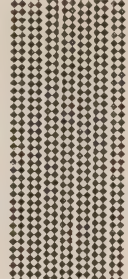
If the voter inadvertently spoils a ballot paper, he may return it to the deputy returning officer (*or* returning officer, *as the case may be*) who will if satisfied of such inadvertence, give him another ballot paper.

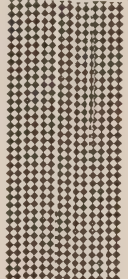
If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void as far as relates to that office, and will not be counted for any of the candidates for that office.

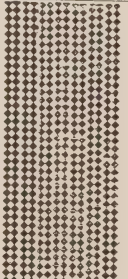
If the voter places any mark on his ballot paper by which he may afterwards be identified, or if the ballot paper has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.


If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding 6 months, with or without hard labour.

In the following forms of ballot paper, given for illustration, the candidates are, for Mayor, Jacob Thompson and Robert Walker; for Reeve, George Jones and John Smith; for Deputy Reeve, Thomas Brown and William Davis; for Councillors, John Bull, Morgan Jones, Allister McAllister and Patrick O'Connell; and the elector has marked the first ballot paper in favour of Jacob Thompson for Mayor, the second ballot paper in favour of George Jones for Reeve, the third ballot paper in favour of William Davis for Deputy Reeve, and the fourth ballot paper in favour of John Bull and Patrick O'Connell for Councillors.

	Election for the Members of the Municipal Council of the Town of _____, Ward No. _____, Polling Sub-division No. _____, day of January, 19 _____.	<i>FOR MAYOR.</i>	<b>THOMPSON.</b> Jacob Thompson, of the Town of Barrie, Merchant. <b>X</b>
			<b>WALKER.</b> Robert Walker, of the Town of Barrie, Physician.

	Election for the Members of the Municipal Council of the Town of _____, Ward No. _____, Polling Sub-division No. _____, day of January, 19 _____.	<i>FOR REEVE.</i>	<b>JONES.</b> George Jones, of the Town of Barrie, Barrister. <b>X</b>
			<b>SMITH.</b> John Smith, of the Town of Barrie, Banker.

	Election for the Members of the Municipal Council of the Town of _____, Ward No. _____, Polling Sub-division No. _____, day of January, 19 _____.	<i>FOR DEPUTY REEVE.</i>	<b>BROWN.</b> Thomas Brown, of the Town of Barrie, Grocer. <b>X</b>
			<b>DAVIS.</b> William Davis, of the Town of Barrie, Jeweller.

	Election for the Members of the Municipal Council of the Town of _____, Ward No. _____, Polling Sub-division No. _____, day of January, 19 _____.	<i>FOR COUNCILLORS.</i>	<b>BULL.</b> John Bull, of the Town of Barrie, Butcher. <b>X</b>
			<b>JONES.</b> Morgan Jones, of the Town of Barrie, Grocer.
			<b>McALLISTER.</b> Allister McAllister, of the Town of Barrie, Tailor.
			<b>O'CONNELL.</b> Patrick O'Connell, of the Town of Barrie, Milkman. <b>X</b>

## FORM 8.

FORM IN WHICH POLL BOOK TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED.

[illegible]

NOTE.—In Cities, the column above headed "Mayor and Reeve" is to be headed "Mayor"; and the column above headed "Councillors" is to be headed "Aldermen." In Townships and Villages, the above column headed "Mayor and Reeve" is to be headed "Reeve." Where Controllers, Commissioners or Members of a Board of Education are to be elected, columns for these are to be added with appropriate headings. R.S.O. 1927, c. 233, Form 7.

## FORM 9.

## CERTIFICATE AS TO ASSESSMENT ROLL AND VOTERS' LIST.

Election to the Municipal Council of the  
of , 19 .

I, A. B., Clerk of the Municipality of in the  
County of , hereby certify that the assess-  
ment roll for this municipality upon which the voters' list to be used  
at this election is based was finally revised on the  
day of , 19 , and that the last day for making  
complaint to the Judge with respect to the list was the  
day of , 19 .  
Dated this day of , 19 .

[Seal.]

A. B.,  
Clerk.

R.S.O. 1927, c. 233, Form 8.

## FORM 10.

Municipality of .

## CERTIFICATE TO ENTER NAME ON VOTERS' LIST.

I hereby certify that the name of the following person, that is to say:

Name	Con- dition	Lot	Street or Con- cession	Owner, Tenant, Etc.	Post Office Address	Jurors' Column
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....

whose name is entered on the last revised assessment roll has been in  
error omitted from the last revised voters' list of this municipality and  
that he is entitled to be entered thereon and to vote at the municipal poll  
to be held on the day of , 19 , for Polling  
Subdivision No. in the Ward, and this is your  
authority for entering the name of such person on the voters' list for the  
said subdivision and for permitting him to vote as if his name had been  
entered before the said list was revised.

Given under my hand, this day of , 19 .  
Clerk.

To the Returning Officer  
and Deputy Returning Officer,  
Polling Subdivision No. , Ward.

1933, c. 37, s. 17.



## FORM 11.

## OATH TO BE ADMINISTERED TO A VOTER.

You swear (a)

1. That you are the person named or intended to be named by the name of \_\_\_\_\_ in the list (or supplementary list) of voters (b) now shown to you.

2. That you are a natural born (or naturalized) subject of His Majesty, and of the full age of twenty-one years.

3. That you are not a citizen or subject of any foreign country.

4. That (c)

5. (*In the case of a municipality not divided into wards*) That you have not voted before at this election at this or any other polling place.

6. (*Where the municipality is divided into wards and the election is not by general vote*) That you have not voted before at this election at this or any other polling place in this ward, (*or if the election is by general vote*) that you reside in this polling subdivision (*or are not entitled to vote in the polling subdivision in which you reside or are not resident within the municipality, as the case may be*), and that you have not voted before or elsewhere at this election, and will not vote elsewhere at this election (d).

7. That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender.

8. That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election.

9. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or to refrain from voting at this election.

(a) *If the voter is a person who may by law affirm in civil cases, substitute for "swear," "solemnly affirm."*

(b) *In the case of a new municipality in which there has not been any assessment roll, instead of referring to the list of voters, the oath is to state the land in respect of which the person claims to vote.*

(c) *In the case of a person claiming to vote in respect of a freehold estate, insert here, "At the date of this election you are in your own right (or your wife is in her own right or your husband is in his own right) owner of land within this polling subdivision (or, in case of a ward, not divided into polling subdivisions, "within this ward")."*

*In the case of a person claiming to vote in respect of a leasehold estate, insert here, "That you were (or your wife was or your husband was) actually and truly in good faith possessed to your (or her or his) own use, and benefit as tenant of the land in respect of which your name is entered on such list. That you are (or your wife is or your husband is) a tenant within this municipality, and that you have been a resident within it for one month next before this election;" (or, in the case of a new municipality for which there is no assessment roll, instead of the words "have been a resident within it for one month next before this election," insert "You are a resident of this municipality")."*

*In the case of a person claiming to vote as a farmer's son, insert here*  
That on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
(the day certified by the clerk as the date of the final revision of the assessment roll upon which the voters' list is based, or, at the option of the voter, the day certified by the clerk as the last day for making complaint to the Judge with respect to such list) A. B., (naming him or her)

was actually, truly and in good faith possessed to his (or her) own use and benefit as owner (or as tenant under a lease the term of which was not less than five years, as you verily believe of the land in respect of which your name is entered on the voters' list, and that you are a son (or a stepson) of the said A. B. and that you resided on the said land for twelve months next before the said day, and were not absent during that period except temporarily, and for not more than six months in all, and that you are still a resident of this municipality.

*Where the voter is a leaseholder, and the voting is on a by-law under section 65 of The Local Improvement Act, add:*

That you have, by the lease under which you hold, contracted to pay all municipal taxes, including local improvement rates.

(d) *(In the case of a municipality divided into wards, if the by-law is one for creating a debt, substitute for paragraph 6 the following):*

6. That you have not voted before on the by-law at this or any other polling place in this ward; *(and in the case of any other by-law, the following):*

6. That you reside in this polling subdivision or are not entitled to vote in the polling subdivision in which you reside or are not resident within the municipality *(as the case may be)*, and that you have not voted before elsewhere, and will not vote elsewhere on the by-law.

*Where the voter is a leaseholder, and the voting is on a by-law for creating a debt, add the following paragraph:*

10. That the lease under which you hold extends for the period for which the debt or liability to be created by the by-law is to run, and you have contracted by the lease to pay all municipal taxes in respect of the land other than special assessments for local improvements.

*Where the voting is on a by-law, substitute for the words "at this election" the words "on the by-law"; and where the voting is on a question, substitute for the words "at this election" the words "on the question."*

R.S.O. 1927, c. 233, Form 9; 1936, c. 40, s. 6 (2); 1937, c. 47, s. 29 (2).

NOTE.—*Where the voter is the nominee of a corporation, the oath shall state the fact, and that the voter has not voted before on the by-law "at this or any other polling place," adding if the municipality is divided into wards "in this ward," and shall also contain paragraphs 1, 7, 8 and 9.*

## FORM 12.

### DECLARATION OF INABILITY TO READ.

I, A.B., of \_\_\_\_\_, being numbered \_\_\_\_\_ on the voters' list for polling subdivision No. \_\_\_\_\_, in the City *(or, as the case may be)* of \_\_\_\_\_, being a legally qualified elector for the City *(or, as the case may be)* of \_\_\_\_\_ declare that I am unable to read *(or that I am from physical incapacity unable to mark a ballot paper, or that I object on religious grounds to mark a ballot paper, as the case may be)*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ (A.B., His X Mark.) \_\_\_\_\_, 19 \_\_\_\_\_.

R.S.O. 1927, c. 233, Form. 10.

NOTE.—*If the person objects on religious grounds to mark a ballot paper, the declaration may be made orally and to the above effect.*

## FORM 13.

## DECLARATION OF FRIEND OF BLIND VOTER.

I, (*insert name of friend*), of the  
of (*occupation*), in the County of  
, declare that I will keep secret the name of the  
candidate for whom I mark the ballot of (*name of blind voter*)  
on whose behalf I act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Signature of friend.

Witness:  
Deputy Returning Officer.

1934, c. 34, s. 18.

## FORM 14.

CERTIFICATE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF  
INABILITY TO READ.

I, C. D., Deputy Returning Officer for Polling Subdivision No. \_\_\_\_\_ for  
the City (*or as the case may be*) of \_\_\_\_\_, hereby certify that the  
above (*or within*) declaration, having been first read to the above (*or*  
*within*) named A. B., was signed by him in my presence with his mark.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
C. D.

R.S.O. 1927, c. 233, Form 11.

## FORM 15.

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY RETURNING  
OFFICER IS UNABLE TO DELIVER THE BALLOT BOX TO THE  
RETURNING OFFICER.

I, \_\_\_\_\_, swear that I am the person to whom  
Deputy Returning Officer for Polling Subdivision  
No. \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_  
entrusted the ballot box for the said polling subdivision to be delivered  
to the Clerk; that the ballot box which I delivered to the Clerk this day  
is the ballot box I so received; that I have not opened it and that it has  
not been opened by any other person since I received it from the Deputy  
Returning Officer.

Sworn before me at \_\_\_\_\_ }  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A. B.

R.S.O. 1927, c. 233, Form 12.

## FORM 16.

## OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL.

I, A. B., Deputy Returning Officer for Polling Subdivision No. \_\_\_\_\_, of the City (*or, as the case may be*) of \_\_\_\_\_ in the County of \_\_\_\_\_ swear that, to the best of my knowledge and belief, the poll book kept for the said polling place under my direction has been kept correctly, that the total number of votes polled according to the said poll book is \_\_\_\_\_, and that it contains a true and exact record of the votes given at the said polling place, as the said votes were taken thereat; that I have correctly counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the statement, voters' list, poll book, packets containing ballot papers, and other documents required by law to be returned by me to the Clerk, have been faithfully and truly prepared and placed in the ballot box, and are contained in the ballot box returned by me to the Clerk, which was locked and sealed by me, in accordance with the provisions of *The Municipal Act*, and remained so locked and sealed while in my possession.

Sworn before me at \_\_\_\_\_  
 in the County of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. } A. B.

R.S.O. 1927, c. 233, Form 13.

## FORM 17.

## OATH OF SECRECY.

I, A. B., swear that I will not at this election disclose to any person the name of any person who has voted, and that I will not in any way unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way aid in the unlawful discovery of the same, and that I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Sworn before me this \_\_\_\_\_  
 day of \_\_\_\_\_, 19\_\_\_\_. } A. B.

C. D.,  
 J.P., (*or as the case may be*).

R.S.O. 1927, c. 233, Form 14.

NOTE.—*When the voting is on a by-law or question, the form is to be adapted to that case.*

## FORM 18.

## CERTIFICATE OF CLERK AS TO ELECTION OF REEVES AND DEPUTY REEVES.

I, A. B., of \_\_\_\_\_, Clerk of the Corporation of \_\_\_\_\_ in the County of \_\_\_\_\_, do hereby, under my hand and the seal of the said Corporation, certify that X. Y. was duly elected reeve (*or first deputy reeve, or second deputy reeve, or third deputy reeve, as the case may be*) of the said town (township or village, *as the case may be*), and has made and subscribed the declaration of office and qualification as such reeve (*or first deputy reeve, or second deputy reeve, or third deputy reeve, as the case may be*).

A. B.

R.S.O. 1927, c. 233, Form 15.



## FORM 19.

### DECLARATION OF OFFICE.

I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of *(insert name of office, or in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time)*, that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices to which I have been elected *(or appointed)* in this municipality, and that I have not received, and I will not receive, any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office *(or offices)*, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said corporation *(where declaration is made by the clerk, treasurer, collector, engineer, clerk of works or street overseer, add the words following)* save and except that arising out of my office as clerk *(or my office as assessor or collector, as the case may be)*.

R.S.O. 1927, c. 233, Form 16.

## FORM 20.

### DECLARATION OF CONSTABLES.

I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of *(inserting the name of the office)* in this municipality, and that I have not received, and will not receive, any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office.

R.S.O. 1927, c. 233, Form 17.

## FORM 21.

OATH OF RETURNING OFFICER, DEPUTY RETURNING  
OFFICER AND POLL CLERK.

I, A. B., swear that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) in this municipality and that I have not received and will not receive any payment or reward or promise thereof for the due exercise of any partiality or malversation or other undue execution of the said office.

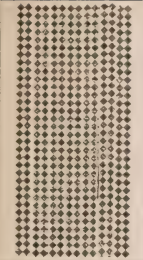
Sworn before me this  
day of , 19 .

R.S.O. 1927, c. 233, Form 18.



FORM 25.

BALLOT PAPER FOR VOTING ON QUESTION.

	19 Voting on the following question (here state questions).	YES
		NO

R.S.O. 1927, c. 233, Form 22.

FORM 26.

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross, thus X, on the right hand side, in the upper space if he votes for the passing of the by-law, or in the affirmative on the question, and in the lower space if he votes against the passing of the by-law, or in the negative on the question.


The voter will then fold up the ballot paper so as to show the name or initials of the Deputy Returning Officer (or Returning Officer, as the case may be) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot paper so folded to the Deputy Returning Officer (or Returning Officer, as the case may be) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (or Returning Officer, as the case may be), who will, is satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on his ballot paper by which he may be afterwards identified, or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer (or Returning Officer, as the case may be), he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

*In the following form of ballot paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law:*

	Voting on By-law to (here insert object of the by-law) submitted by the Council of the of	<b>FOR</b>	<b>X</b>
		The By-law.	
		<b>AGAINST</b>	
		The By-law.	

R.S.O. 1927, c. 233, Form 23.

FORM 27.

NOTICE ON PROMULGATION OF BY-LAW.

The above is a true copy of a by-law passed by the Municipal Council of the of , 19 . on the day of . And all persons are hereby required to take notice that anyone desirous of applying to have such by-law, or any part thereof, quashed, must make his application for that purpose to the Supreme Court, within three months next after the first publication of this notice in the newspaper called the , or he will be too late to be heard in that behalf.

R.S.O. 1927, c. 233, Form 24.

FORM 28.

NOTICE OF REGISTRATION OF BY-LAW.

Notice is hereby given that a by-law was passed by the of on the day of 19 , providing for the issue of debentures to the amount of \$ , for the purpose of , and that such by-law was registered in the registry office of in the County of on the day of 19 . Any motion to quash or set aside the same or any part thereof must be made within three months after the first publication of this notice and cannot be made thereafter.

Dated this day of , 19 .  
Clerk.

R.S.O. 1927, c. 233, Form 25.



## CHAPTER 267.

## The Bonus Limitation Act.

**1.** The power of every municipal corporation in Ontario to grant bonuses in aid of any manufacturing business, including iron works, rolling mills, works for refining or smelting ores, grain elevators, a beet sugar factory and a tobacco drier or the land and business of a cold storage plant to which aid by way of loan or grant has been or is being given by the Governments of Canada and Ontario or either of them is limited to a fixed assessment as provided by *The Municipal Act* notwithstanding anything to the contrary in any general Act or in any special Act. R.S.O. 1927, c. 234, s. 1; 1937, c. 72, s. 9.

Bonus by fixed assessment only.  
Rev. Stat. c. 266.

**2.** Any land owned by any municipal corporation on the 17th day of April, 1924, which, in pursuance of any power conferred on the corporation by any general or special Act or otherwise may be granted as a bonus either by way of gift, sale or lease within the meaning of and for any of the purposes mentioned in sections 395 and 396 of *The Consolidated Municipal Act*, 1922, shall not be granted by way of gift and shall not be sold or leased for any of such purposes except at a price or rental which may be determined by a judge of the county or district court on application to him for that purpose, as the fair market value or fair rental value, as the case may be, of the land and no municipal corporation shall have power to acquire land for any of such purposes. R.S.O. 1927, c. 234, s. 2.

Sale or lease of land acquired for purpose of industrial sites.  
1922, c. 72.

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## CHAPTER 268.

## The Industrial Sites Act.

Acquiring  
of land for  
industrial  
sites with  
assent of  
electors.

Rev. Stat.  
c. 266.

**1.** The council of any city, town, township or village may with the assent of the electors qualified to vote on money by-laws pass by-laws to acquire and expropriate land under and subject to the provisions of *The Municipal Act* and sell or lease the same for the purpose of sites for the establishment and carrying on of industries and industrial operations. 1929, c. 59, s. 2.

Submission  
of general  
by-law.

**2.** The assent of the electors may be obtained by the submission of a general by-law authorizing the acquiring or expropriation of land for industrial sites and for borrowing money for that purpose not exceeding a stated amount, and if the assent of the electors is obtained to such general by-law the council may by a two-thirds vote of all the members and without further assent pass by-laws from time to time to borrow money for such purpose by the issue of debentures payable within a term not exceeding thirty years from the issue thereof. 1929, c. 59, s. 3.

Restrictions  
on sale or  
leasing.

**3.** Any land so acquired shall not be sold or leased except at a price or rental which may be determined by a judge of the county or district court on application to him for that purpose, as the fair market value or fair rental value, as the case may be, of the land having regard to,—

- (a) the price paid by the municipality for the land, including all carrying charges thereon; and
  - (b) the proximity to transportation facilities of the particular parcel proposed to be sold or leased and its value in relation to the value of the whole block acquired. 1929, c. 59, s. 4.
-

## CHAPTER 269.

## The Local Improvement Act.

## INTERPRETATION.

## 1. In this Act,—

Interpre-  
tation.

- (a) "Bridge" shall include a viaduct, a culvert, a subway and an embankment and shall also include a pavement on a bridge;
- (b) "Clerk" shall mean and include the clerk of the municipality and any officer or person authorized or required by the council to perform any duty which under this Act is to be or may be performed by the clerk;
- (c) "Constructing" and "construction" shall include reconstructing and reconstruction, wholly or in part, when the lifetime of the work has expired;
- (d) "Corporation" shall mean the corporation of a municipality;
- (e) "Corporation's portion of the cost" shall mean that part of the proportion of the cost of a work which is not to be specially assessed, but is payable by the corporation;
- (f) "Council" shall mean the council of the corporation of a municipality;
- (g) "County" shall include "district";
- (h) "Curbing" shall include a curbing of any material in or along a street, whether constructed in connection with or apart from the laying down of a pavement or sidewalk, or with or without a projection for the purpose of a gutter;
- (i) "Engineer" shall include an officer or person authorized or required by the council to perform any duty which under this Act is to be or may be performed by an engineer;
- (j) "Frontage," when used in reference to a lot abutting directly on a work, shall mean that side or limit of the lot which abuts directly on the work;

"Construct-  
ing,"  
"Construc-  
tion.""Corpora-  
tion.""Corpora-  
tion's por-  
tion of the  
cost."

"Council."

"County."

"Curbing."

"Engineer."

"Frontage."

"Judge of  
the county  
court."

- (*k*) "Judge of the county court" shall mean and include the judge and a junior judge of a county or district court;

"Lifetime."

- (*l*) "Lifetime," as applied or applicable to a work, shall mean the lifetime of the work as estimated by the engineer, or in case of an appeal as finally determined by the court of revision or the judge, as the case may be;

"Lot."

Rev. Stat.  
c. 272.

- (*m*) "Lot" shall mean a subdivision or a parcel of land which by *The Assessment Act* is required to be separately assessed, and "lots" shall mean more than one lot as so defined;

"Municipality."

- (*n*) "Municipality" shall include a union of townships a municipality composed of more than one township, a township, a city, a town, a village, but not a county;

"Owner."  
"Owners."

- (*o*) "Owner" and "owners" shall mean respectively the person or persons appearing by the last revised assessment roll of the municipality to be the owner or owners of land, and, except in the case of a township, shall include a tenant for years, the unexpired term of whose tenancy including any renewal thereof to which he is entitled extends for not less than the period during which the special assessment for the work is to be made, if by the terms of his tenancy he would be liable for the payment of the special assessment for the work, but shall not include a person who is, or is assessed as, owner, where there is a tenant for years of the land, who is an owner within the meaning of this clause;

"Owners'  
portion of  
the cost."

- (*p*) "Owners' portion of the cost" shall mean that part or portion of the cost of a work which is to be specially assessed upon the land abutting directly on the work or upon land immediately benefited by the work;

"Pave-  
ment."

- (*q*) "Pavement" shall include any description of pavement or roadway;

"Paving."

- (*r*) "Paving" shall include macadamizing, planking, and the laying down or construction of any description of pavement or roadway and the construction of a curbing;

"Publica-  
tion."  
"Published."

- (*s*) "Publication" and "published" shall mean insertion in a newspaper published in the municipality, if there is a newspaper published therein, or, if there is none,



then in a newspaper published in the county in which the municipality is situate;

- (t) "Sewer" shall include a common sewer and a drain "Sewer," and two or more sewers connected as a system of sewers;
- (u) "Sidewalk" shall include a footway and a street "Sidewalk." crossing;
- (v) "Specially assessed" shall mean specially rated for or "Specially assessed." charged with part of the cost of a work;
- (w) "Street" shall include a lane, an alley, a park, a "Street." square, a public drive, and a public place, or a part of any of them;
- (x) "Value" shall mean assessed value, exclusive of "Value." buildings, according to the last revised assessment roll of the municipality;
- (y) "Watermain" shall include two or more watermain "Watermain." connected in a system of waterworks and hydrants;
- (z) "Work" shall mean a work or service which may be "Work." undertaken as a local improvement;
- (za) "Work undertaken" shall mean a work which is "Work undertaken." undertaken as a local improvement. R.S.O. 1927, c. 235, s. 1.

#### WORKS WHICH MAY BE UNDERTAKEN AS LOCAL IMPROVEMENTS.

**2.—**(1) A work of any of the characters or descriptions hereinafter mentioned may be undertaken by the council of a corporation as a local improvement, that is to say: Works which may be effected as local improvements.

- (a) opening, widening, extending, grading, altering the grade of, diverting or improving a street;
- (b) opening or establishing a new street;
- (c) constructing a bridge as part of a street;
- (d) constructing, enlarging, or extending a sewer, including a sewer on each side or on one side only of a street;
- (e) constructing, enlarging or extending a watermain, including a main on each side or one side only of a street;
- (f) paving a street;

- (g) constructing a curbing or a sidewalk in, upon or along a street;
- (h) constructing or maintaining a boulevard where a part of a street has been set apart for the purposes of a boulevard;
- (i) sodding any part of and planting, maintaining and caring for trees, shrubs and plants upon and in a street;
- (j) the extension of a system of water, gas, light, heat or power works owned by the corporation, including all such works as may be necessary for supplying water, gas, light, including street lighting, heat or power, to the owners of land, for whose benefit such extension is provided;
- (k) in a township where works have been constructed and erected for the supply of electrical power to owners, for constructing and erecting in connection with such works such further works, plant, appliances, and equipment as may be necessary for street lighting;
- (l) acquiring, establishing, laying out and improving a park or square not having a greater area than two acres, or a public drive; R.S.O. 1927, c. 235, s. 2 (1), cls. (a-l).
- (m) constructing retaining walls, dykes, breakwaters, groynes, cribs and other shore protection works along the banks of rivers, streams or creeks or along the shores of lakes; 1929, c. 60, s. 1.
- (n) in the case of cities and towns only, constructing and erecting on petition only, on any street or part of a street, equipment, plant and works for the purpose of supplying electric light or power, including standards and underground conduits and wires, to the extent to which the cost of the same exceeds the cost of the equipment, plant and works which would otherwise be provided at the expense of the corporation at large;
- (o) constructing a subway under a railway; R.S.O. 1927, c. 235, s. 2 (1), cls. (n, o).
- (p) subject to the provisions of section 25 for re-surfacing with asphalt or other suitable material, a pavement having a foundation which in the opinion of the engineer is sufficient therefor, whether or not the life-

time of the pavement has expired, and when any work undertaken under this clause is such as might entitle it to a provincial grant, the approval of the Department of Public Highways shall be first had and obtained with respect to the suitability of the foundation; R.S.O. 1927, c. 235, s. 2 (1), cl. (p); 1935, c. 37, s. 2 (1).

(q) widening on petition only, a pavement on a street; 1929, c. 60, s. 2.

(r) subject to the provisions of section 26, in a city having a population of over 300,000; widening a pavement on a street without a petition; 1935, c. 37, s. 2 (2).

(2) Nothing in this section shall extend or apply to a work of ordinary repair or maintenance; R.S.O. 1927, c. 235, s. 2 (2).

**3.**—(1) Where the work is the construction of a pavement or watermain, the council, before proceeding with the work, may construct all works necessary for surface drainage in connection therewith and may make all necessary private drain connections from the main sewer to the street line on either or both sides, and may also lay all necessary water service pipes and stop cocks and make all necessary alterations in the same, and where gas works are owned by the corporation the council may lay all necessary gas mains, service pipes and stop cocks and make all necessary alterations in the same, and where the work is the construction of a sewer the council may make all necessary private branch drains and connections to the street line on either or both sides; but the cost of a water or gas service pipe or stop cock and any alteration of the same and the cost of a private branch drain and connection shall be specially assessed only upon the particular lot to serve which it was constructed or effected by an equal special rate per foot of the frontage of such lot.

Works which may be undertaken in connection with a pavement, watermain or sewer.

(2) Where the work is the construction of a pavement, the council may from time to time during the progress of the work, upon the written request of the owner of the lot to be served, provide for the construction, as part of the pavement, of an approach of such width and character as the council may determine, from the boundary line of the pavement to the street line, so as to form an approach to a particular lot, and the cost of such approach shall be specially assessed upon the particular lot so served.

Construction of approach to lot.

To be part  
of work of  
construction.

(3) The works mentioned in subsection 1 shall be deemed part of the work of construction of the pavement, sewer or watermain in all respects except as to the manner in which the cost of them is to be specially assessed as provided by that subsection.

How to be  
assessed.

(4) The amount to be assessed against each lot in respect of a private drain connection, water service pipe or gas service pipe shall be the cost thereof from the centre of the street to the street line, whether or not the sewer or water or gas main is laid in the centre of the street, but this subsection shall not apply to private drain connections where a sewer is constructed on each side of a street. R.S.O. 1927, c. 235, s. 3.

Construction  
of private  
drain con-  
nections  
without  
petition.

4.—(1) Where a sewer, water main or gas main has been or may hereafter be constructed, the council, by a vote of two-thirds of all the members thereof at any general or special meeting, may undertake the construction of private drain connections, water service pipes or gas service pipes from the sewer, water main or gas main to the street line on either or both sides as a local improvement without any petition therefor, and the cost of each private drain connection, water service pipe or gas service pipe shall be specially assessed upon the particular lot for or in connection with which it is constructed by an equal special rate per foot of the frontage of such lot, and the owners of the land shall not have the right of petition provided for by section 12, and the provisions of subsection 4 of section 3 shall apply.

(2) Where a private drain connection, gas or water service pipe has been constructed by a municipality at the request of the owner of land and the council has not proceeded under subsection 1, the amount due may be inserted in the collector's roll and be collected in the same manner as taxes. R.S.O. 1927, c. 235, s. 4.

Purchase by  
township of  
works al-  
ready con-  
structed.

5. In a township, town or village in unorganized territory where the owners of land have constructed a work which might have been undertaken as a local improvement, the council, upon the petition of three-fourths in number of the owners of the land to be immediately benefited by the acquisition of the work, representing at least two-thirds of the value of such land, may acquire the work at a price agreed upon or to be determined by arbitration under the provisions of *The Municipal Act*, and the purchase money may be provided by the council and may be assessed in like manner as if the work were a work which the council were undertaking as a local improvement, and all the provisions of this Act shall apply as if the council were undertaking the work so acquired as a local improvement. R.S.O. 1927, c. 235, s. 5.

Rev. Stat.  
c. 266.



6.—(1) Where the work is the opening, widening, or extension of a street or the construction of a bridge, and the cost of the work as estimated by the engineer will exceed \$50,000, any person whose land is to be specially assessed may, within ten days after notice to him of the intention of the council to undertake the work, give notice that he objects to the work being undertaken upon the ground that it is a work for the general benefit of the municipality or of a section or district thereof, and if such notice is given the work shall not be undertaken without the approval of the Ontario Municipal Board.

Approval of  
Municipal  
Bd. required  
in the case  
of certain  
works.

(2) If the Board, after notice to the corporation and to all persons interested and after hearing such of them as shall request to be heard, determines that for the reasons mentioned in subsection 1, or either of them, it is proper to do so the Board may withhold its approval.

Approval  
may be  
withheld.

(3) If the Board determines that the cost of the work should be borne by the corporation or by the owners of the land situate within a section or district of the municipality, the Board may make an order so declaring, and in that event the council may, notwithstanding the provisions of this Act, or of any by-law passed under the authority of this Act, undertake and proceed with the work at the cost of the corporation or of the section or district thereof mentioned in the order, as the case may be.

Apportion-  
ment of cost  
of work.

(4) The Board, instead of making an order under subsection 3 may direct that if the work is undertaken such part of the cost of it as the Board may deem just shall be charged upon the lots abutting directly upon the work, in accordance with the provisions of this Act and that the residue of it shall be borne by the corporation or partly by the corporation and partly by a section or district of the municipality in such proportions as the Board may direct, and if the council undertakes the work, it shall conform with the directions of the order.

Or may  
direct the  
cost to be  
charged  
upon the  
abutting  
lots.

(5) The special assessment upon the lots shall not be made by the Board, but by the council, in accordance with the provisions of this Act. R.S.O. 1927, c. 235, s. 6.

Special as-  
sessments  
to be made  
by the  
council.

#### PROCEDURE FOR UNDERTAKING WORK.

7.—(1) A by-law may be passed for undertaking a work as a local improvement:

Methods of  
undertaking  
works.

(a) on petition; or

(b) without petition, on the initiative of the council, hereinafter called the initiative plan, except in the case of a park or square or public drive mentioned in clause *l* of section 2; or

(c) on sanitary grounds, as mentioned in section 9; or

(d) without petition in the case mentioned in sections 4 and 8.

One by-law may include several works.

(2) Instead of passing separate by-laws for each work the council may pass one by-law in respect of several works. R.S.O. 1927, c. 235, s. 7.

Local improvements with approval of Municipal Board.

8.—(1) Where the council determines and by by-law or resolution passed at any meeting by a vote of two-thirds of all the members thereof declares it is desirable that the construction of a curbing, pavement, sidewalk, sewer, watermain or bridge, or the opening, widening, extending, grading, altering the grade of, diverting or improving a street, or the extension of a system of water works, or of private drain connections or water service pipes under the provisions of section 4, should be undertaken as a local improvement, the council may with the approval of the Ontario Municipal Board pass a by-law to undertake the work.

Petition not requisite.

(2) Where the undertaking of the work is approved by the Ontario Municipal Board no petition required by section 11 shall be necessary and the owners shall not have the right of petition provided by section 12.

Notice of application to Board.

(3) Where it is intended to proceed under this section the council shall not be deemed to proceed on the initiative plan but there shall be published at least once a week for two weeks a notice of intention (Form 2) to apply to the Ontario Municipal Board for approval of the work being undertaken and any owner may within twenty-one days after the first publication of such notice file with the said Board his objection to the work being undertaken.

Further notices.

(4) The said Board may direct such further or other notice or notices (Form 2) or otherwise, to be given by the council and the said Board may make such order with respect to the work as may seem proper.

Work not to proceed until approval given.

(5) The work shall not be undertaken until the approval of the said Board to the passing of the by-law therefor has been obtained.

What Form 2 may include.

(6) The notice (Form 2) when published, may relate to and include any number of different works. 1932, c. 30, s. 2.

**9.** Where the council, upon the recommendation of the Minister of Health or of the local board of health of the municipality, determines and, by by-law passed at a regular or special meeting of the council by vote of two-thirds of all the members thereof, declares that the construction, enlargement or extension of a sewer or watermain or of private drain connections or water service pipes under the provisions of section 4 as a local improvement is necessary or desirable in the public interest on sanitary grounds, the council may undertake the work without petition, and the owners of the land shall not have the right of petition provided for by section 12. R.S.O. 1927, c. 235, s. 9; 1932, c. 30, s. 4.

**10.**—(1) Where it is intended to proceed under section 9 the council shall not be deemed to proceed on the initiative plan, but, before passing the by-law for undertaking the work, shall cause notice of its intention (Form 1) to be published, and such notice may relate to and include any number of different works.

(2) Where the council proceeds with any local improvement under subsection 1, a majority of the owners representing at least one-half the value of the lots which are to be specially assessed therefor, being dissatisfied with such local improvement or with the manner in which it has been undertaken, may by petition apply to the Ontario Municipal Board for relief, and the Board may thereupon investigate the complaint and make such order with respect to the local improvement as may seem proper, and after notice to the clerk of the municipality of the application and pending its determination by the Board, the council shall not proceed with the local improvement work.

(3) The sufficiency of such petition shall be determined in the manner provided by section 15.

(4) Such petition shall be deposited with the secretary of the Ontario Municipal Board within twenty-one days after the publication of notice of the council's intention to undertake the work.

(5) The by-law for undertaking the work shall not be passed until the expiry of the said twenty-one days. 1932, c. 30, s. 5.

**11.** The petition for a work shall be signed by at least two-thirds in number of the owners representing at least one-half of the value of the lots liable to be specially assessed, provided that where a petition proposes that any lot shall be totally exempted from special assessment under the provisions of sec-

tion 29 such lot and the owner thereof shall be excluded from computation in ascertaining whether the petition is sufficiently signed. R.S.O. 1927, c. 235, s. 11; 1933, c. 26, s. 1.

Notice of  
intention  
under  
initiative  
plan.

**12.**—(1) Where the council proceeds on the initiative plan, notice of the intention of the council to undertake the work (Form 3) shall be given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed, and unless within one month after the first publication of the notice a majority of the owners representing at least one-half of the value of the lots which are liable to be specially assessed petition the council not to proceed with it the work may be undertaken as a local improvement.

Contents  
of notice.

(2) The notice shall be sufficient if it designates by a general description the work to be undertaken and the street or place whereon or wherein, and the points between which the work is to be done, and the number of the instalments by which the special assessment is to be payable.

May cover  
different  
works.

(3) The notice may relate to and include any number of different works.

Manner of  
service.

(4) The notice may be served upon the owner:

(a) personally; or

(b) by leaving it at his place of business or of residence if within the municipality; or

(c) by mailing it at a post office addressed to the owner at his actual place of business or of residence, if known, or at his place of business or residence as set forth in the last revised assessment roll of the municipality; or

(d) if the place of business and of residence of the owner are not known, by leaving the notice with a grown-up person on the lot of the owner which is liable to be specially assessed, if there is a grown-up person residing thereon.

Where  
residence,  
etc.,  
unknown.

(5) If the place of business and of residence of the owner are unknown, and there is no grown-up person residing on the lot of the owner which is liable to be specially assessed, service upon the owner shall not be requisite.

Proof of  
publication  
and service.

(6) Publication and service of the notice may be proved by affidavit or statutory declaration, which before the passing of the by-law by which the special assessment is made to defray the cost of the work, shall be *prima facie* evidence, and after the passing of the by-law shall be conclusive evidence of the matters set forth therein. R.S.O. 1927, c. 235, s. 12.



**13.**—(1) Where the council has proceeded on the initiative plan and has been prevented from undertaking a work by reason of a petition having been presented under the provisions of section 12, the council shall not proceed on the initiative plan with regard to the same work for a period of two years after the presentation of the petition; provided always that in a municipality in which a by-law passed under the provisions of section 65 is in force the prohibition contained in this section shall not prevent the council from again proceeding on the initiative plan with regard to such work if it is of a different kind or description from or less expensive than that originally proposed to be undertaken.

Effect of petition against work.

Proviso.

(2) Nothing in this section shall prevent the council from exercising the power conferred by section 8. R.S.O. 1927, c. 235, s. 13.

Powers conferred by section 8 not affected.

**14.** There shall be set out opposite to every signature to the petition for or against a work a description of the lot of which the petitioner is the owner by its number or such other description as will enable the clerk to identify it. R.S.O. 1927, c. 235, s. 14.

Lot of petitioner to be described.

**15.**—(1) The sufficiency of a petition for or against a work shall be determined by the clerk, and his determination shall be evidenced by his certificate and when so evidenced shall be final and conclusive.

Clerk to determine sufficiency of petition.

(2) Where the sufficiency of a petition has been determined by the clerk it shall be deemed to have been and to be a sufficient petition notwithstanding that changes may be made by the court of revision or by the judge in the lots to be specially assessed which have the effect of increasing or reducing the number of the lots.

What owners to be counted.

(3) When it is necessary to determine the value of any lot and the same cannot be ascertained from the proper assessment roll by reason of the lot not having been separately assessed, or for any other reason, the clerk shall fix and determine the value of such lot and the value thereof as so fixed and determined shall be deemed for the purpose of this Act to be the assessed value thereof, and his determination shall be final and conclusive.

Determining value of lots.

(4) Where a person who is, but does not appear by the last revised assessment roll of the municipality to be, the owner of land is a petitioner, he shall be deemed an owner if his ownership is proved to the satisfaction of the clerk, and if the person who appears by the assessment roll to be the owner is a petitioner his name shall be disregarded in determining the sufficiency of the petition.

Owner whose name is not on roll may petition.

Case of  
joint  
owners.

(5) Where two or more persons are jointly assessed for a lot, in determining the sufficiency of a petition:

- (a) they shall be reckoned as one owner only;
- (b) they shall not be entitled to petition unless a majority of them concur and the signatures of any of them, unless the petition is signed by the majority, shall be disregarded in determining the sufficiency of the petition.

Witnesses.

(6) The clerk, for the purpose of any inquiry pending before him under the provisions of this section may cause witnesses to be summoned and to be examined upon oath, and any person interested in the inquiry may, for the purpose of procuring the attendance of a witness, cause a subpoena to be issued out of the county court of the county in which the municipality lies.

Witness  
fees.

(7) A witness, if a resident of the municipality, shall be bound to attend without payment of any fees or conduct money, and if not a resident of the municipality shall be entitled to fees and conduct money according to the county court scale.

Complaints  
to be  
investigated  
by county  
judge.

(8) Where any person complains to the clerk that his signature to the petition was obtained by fraud, misrepresentation or duress the complaint shall be investigated and determined by a judge of the county court, and the clerk shall delay certifying until he has received the finding or report of the judge upon the complaint, and in determining as to the sufficiency of the petition the clerk shall give effect to such finding or report. R.S.O. 1927, c. 235, s. 15.

Petitions to  
be lodged  
with clerk.

**16.** A petition for or against the undertaking of a work shall be lodged with the clerk, and shall be deemed to be presented to the council when it is so lodged. R.S.O. 1927, c. 235, s. 16.

Withdrawal  
of name  
from  
petition.

**17.** No person shall have the right to withdraw his name from, and no name shall be added to, a petition after the clerk has certified as to its sufficiency. R.S.O. 1927, c. 235, s. 17.

Power to  
undertake  
part of work  
only.

**18.** Where a by-law has been heretofore or may hereafter be passed for undertaking any work as a local improvement and the council deems it inadvisable or impracticable to complete the work, the council may, by by-law amend such by-law and provide for the carrying out of part only of the work mentioned therein (or for the substitution in whole or in part of another kind or character of work of the same class as that undertaken in such by-law) but all the provisions of this Act

shall apply to such partial work as if it had been originally undertaken as one entire work or to such substituted work as if it had been the work originally undertaken, but such amending by-law shall take effect only on being approved by the Ontario Municipal Board. R.S.O. 1927, c. 235, s. 18.

**19.** After passing a by-law for establishing, extending, widening or diverting a highway, and before completion of the work, the council may apply to the Ontario Municipal Board for leave to pass an amending by-law providing for a deviation in the course or location of the highway as defined in the original by-law, and the Board may make an order approving of and validating an amending by-law accordingly on such terms and conditions and after such hearing as it may consider proper, and subject to the terms of the order the provisions of this Act shall apply to such altered work as if it had been provided for in the original by-law. R.S.O. 1927, c. 235, s. 19.

Amendments  
to by-laws  
respecting  
highways.

#### HOW COST OF WORK TO BE BORNE.

**20.**—(1) Except as in this Act is otherwise expressly provided, the entire cost of a work undertaken shall be specially assessed upon the lots abutting directly on the work, according to the extent of their respective frontages thereon, by an equal special rate per foot of such frontage sufficient to defray such cost.

Frontage  
rate.

(2) The following may be included in the cost of the work: Items which may be included in cost.

- (a) engineering expenses;
- (b) cost of advertising and service of notices;
- (c) interest on temporary loans;
- (d) compensation for lands taken for the purposes of the work or injuriously affected by it and the expenses incurred by the corporation in connection with determining such compensation;
- (e) the estimated cost of the issue and sale of debentures and any discount allowed to the purchasers of them.

R.S.O. 1927, c. 235, s. 20.

(3) Where the work is the widening of a pavement on a street the lots on each side of such street shall be deemed to abut directly on the work. 1929, c. 60, s. 3.

Case of  
widening  
pavement.

**21.**—(1) Where a municipality receives a contribution in cash to be applied towards the cost of any work the amount of such contribution shall be deducted from the total cost of such

Deduction  
of contribu-  
tions from  
cost.

work and the balance shall for all purposes be deemed the actual cost of the work.

Contribu-  
tion by way  
of annuity—  
how treated.

(2) If such contribution be by way of an annuity, it shall be capitalized and the capitalized value shall be deducted as aforesaid but the municipality shall nevertheless borrow the full amount of the cost of the work and shall specially assess against the owners of lots their share of the cost ascertained after making the deduction as aforesaid, and the balance of the total cost shall be the corporation's portion of the cost, and the annuity shall be applied in reduction of the annual rate levied to meet the corporation's portion of the cost. R.S.O. 1927, c. 235, s. 21.

Guarantee  
of work.

**22.**—(1) Where a contractor is employed to construct a pavement or sidewalk, and the council has required him to guarantee that he will so construct it that it shall, for a period not exceeding ten years, remain in good condition and suitable for safe and comfortable travel, and that he will, when required, make good any imperfections therein due to materials, workmanship or construction, in ascertaining the cost of the work no deduction shall be made from the sum paid to the contractor by reason of such guarantee having been required.

Assessment  
of allowance  
to make  
good imper-  
fections.

(2) In all municipalities where such guarantee is required where any local improvement is undertaken by the corporation and constructed by day labour, the corporation may assess as part of the cost thereof a reasonable allowance to make good any imperfections therein due to materials, workmanship or construction during the lifetime thereof as fixed by the court of revision, the amount of such allowance to be subject to revision by the court of revision. R.S.O. 1927, c. 235, s. 22.

Corpora-  
tion's  
portion of  
cost.

**23.** There shall be included in the corporation's portion of the cost,—

- (a) at least one-third of the cost of a sewer having a sectional area of more than four feet; and
- (b) the entire cost of all hydrants constructed in connection with a watermain and the entire cost of all culverts, catch basins and other works which are provided for surface drainage and which are incidental to the construction of the sewer or pavement; and
- (c) so much of the cost of a work as is incurred at street intersections. R.S.O. 1927, c. 235, s. 23.

Apportion-  
ment of cost  
of sewers.

**24.**—(1) Where the work is the construction of a sewer or watermain the council may in the by-law for undertaking the work, passed by a vote of three-fourths of all the members,



provide that a certain sum per foot frontage shall be specially assessed upon the land abutting directly on the work and that the remainder of the cost of such sewer or watermain shall be borne by the corporation.

(2) The part of the cost to be borne by the corporation shall not be less than that which, under section 23, is to be included in the corporation's portion of the cost. R.S.O. 1927, c. 235, s. 24. Part to be borne by corporation.

**25.** Where the work undertaken is the resurfacing of a pavement as provided by clause *p* of subsection 1 of section 2 the corporation shall assume and pay the special assessments therefor charged against the lots fronting or abutting on the work until the expiration of the period within which such lots are specially assessed for the then existing pavement. R.S.O. 1927, c. 235, s. 25. Assumption by corporation of special assessments in certain case.

**26.**—(1) Where in a city of over 300,000 population, the work to be undertaken is the widening of a pavement on a street without a petition, the by-law for undertaking the work shall provide that in addition to the corporation's portion of the cost including the portions otherwise provided for in this Act there shall also be included in such portion so much of the cost of the work as is incurred in the construction or reconstruction of the pavement to a width greater than the width of the pavement then existing on the street. Widening costs in certain cases.

(2) The work shall not be undertaken until the approval of the Ontario Municipal Board to the passing of the by-law therefor has been obtained, and the provisions of section 8 shall, *mutatis mutandis*, apply thereto. 1935, c. 37, s. 3. Approval of Municipal Board requisite.

**27.**—(1) Subject to the provisions of subsection 3 the council of the corporation of a municipality in which there is not in force a by-law passed under the provisions of section 65 applicable to the work may, by by-law passed at any general or special meeting by a vote of three-fourths of all the members of the council, provide that such part as to the council may seem proper of the cost of every granolithic, stone, cement, asphalt or brick sidewalk, or of every pavement or curbing or of works, plant, appliances and equipment for street lighting constructed as a local improvement which otherwise would be chargeable upon the land abutting directly on the work, shall be paid by the corporation. Corporation may assume part of cost of sidewalk or pavement.

(2) Such by-law shall not be repealed except by vote of three-fourths of all the members of the council. R.S.O. 1927, c. 235, s. 26 (1, 2). Repeal of by-law.

Assumption  
of larger  
share of cer-  
tain named  
work.

(3) The council by by-law passed at any general or special meeting by a vote of three-fourths of all the members of the council and approved of by the Ontario Municipal Board may provide that the corporation shall assume a larger share of the cost of a certain named work undertaken on a certain named street than is provided in the by-law passed under subsection 1, with reference to works of the same class or where no by-law has been passed under subsection 1 that the corporation shall assume a stated part of the owners' portion of the cost of any certain named work of any one of the classes set out in subsection 1. R.S.O. 1927, c. 235, s. 26 (3); 1928, c. 38, s. 2 (1).

Reduction of  
assess-  
ment of  
corner lots,  
etc.

**28.**—(1) In the case of corner lots and triangular or irregularly shaped lots situate at the junction or intersection of streets a reduction shall be made in the special assessment which otherwise would be chargeable thereon sufficient, having regard to the situation, value and superficial area of such lots as compared with the other lots, to adjust the assessment on a fair and equitable basis.

Of lots  
unfit for  
building  
purposes.

(2) Where a lot is for any reason, wholly or in part, unfit for building purposes a reduction shall also be made in the special assessment which otherwise would be chargeable thereon, sufficient to adjust its assessment as compared with that of the lots fit for building purposes on a fair and equitable basis.

How  
reduction  
to be made.

(3) The reduction shall be made by deducting from the total frontage of the lot liable to the special assessment so much thereof as is sufficient to make the proper reduction, but the whole of the lot shall be charged with the special assessment as so reduced.

Reduction  
to be  
borne by  
corporation.

(4) The amount of any reduction made in the assessment of any lot under the provisions of this section shall not be chargeable upon the lots liable to be specially assessed, but shall be paid by the corporation. R.S.O. 1927, c. 235, s. 27.

Assessment  
for opening  
lane.

**29.**—(1) Where the work is the opening, widening, extension, grading, or paving of a lane, and the council is of opinion that any lot abutting on the work is not benefited by the work, or is not benefited thereby to the same extent as other abutting lots, the council may, in the by-law for undertaking the work, exempt such lot or make a reduction in the special assessment which would otherwise be chargeable thereon by deducting from the total frontage of the lot liable to special assessment so much thereof as is sufficient to make the proper reduction.

(2) Where such lot is exempted the amount of the special assessment which would otherwise be chargeable thereon shall be specially assessed against all the other abutting lots, and where a reduction is made the entire cost of the work shall be specially assessed as if it were the cost in respect to the reduced frontage but the whole of the lot granted the reduction shall be charged with the special assessment as so reduced. 1928, c. 38, s. 3; 1930, c. 45, s. 1.

(3) None of the works mentioned in subsection 1 shall be proceeded with until the by-law for undertaking such work is approved by the Ontario Municipal Board and no exemptions or reductions mentioned in subsection 1 shall be made other than those provided for in a by-law approved by the said Board. 1933, c. 26, s. 2.

**30.**—(1) Subject to the provisions of subsection 2, where the work undertaken is a sidewalk or curbing or a sewer or watermain constructed on one side of a street to serve only the lots on that side, only the land abutting on that side of the street upon which the work is constructed shall be specially assessed.

(2) On petition (sufficiently signed) of the owners on both sides of a street in a township praying that a sidewalk be constructed on one side only of the street and that a certain portion not exceeding one-third of the owners' share of the cost be assessed on the lots fronting or abutting on the other side of the street the council may specially assess the lands on the other side of the street in conformity with the petition and if a sidewalk is thereafter constructed on the other side of the street the owners' portion of the cost shall be specially assessed in like manner. R.S.O. 1927, c. 235, s. 28.

**31.**—(1) Where the work is the acquisition, establishment, laying out and improving of a park or square or the construction of a bridge or the construction of a sewer or watermain of a larger capacity than is required for the purpose of the abutting land, or the opening, widening, extending, grading, altering the grade of, diverting or improving a street, or the construction of any work mentioned in clause *m* of subsection 1 of section 2, and the council is of opinion that for any reason it would be inequitable to charge the cost of the work on the land abutting directly thereon, the council may in the by-law for undertaking the work passed by the vote of three-fourths of all the members, provide for the payment by the corporation of such part of the cost, as to the council may seem just, and so much of the residue thereof as may seem just may be specially assessed upon the land abutting directly on the work, and

so much of such residue as may seem just on such other land as is immediately benefited by the work. R.S.O. 1927, c. 235, s. 29 (1); 1929, c. 60, s. 4.

Method of assessment.

(2) In the cases provided for by subsection 1, that part of the cost of the work for which the abutting land is to be specially assessed shall be assessed thereon in the manner provided by section 20, and that part of the cost for which land not abutting directly on the work is to be specially assessed shall be assessed thereon in the manner provided by sections 36 and 37. R.S.O. 1927, c. 235, s. 29 (2).

Assessment of right of way of railway, etc.

**32.** Where the land abutting directly on any work undertaken as a local improvement is a right-of-way for a railway or for the transmission of electrical power the council may exercise the powers conferred by subsection 1 of section 31 with respect to that part of the cost which would otherwise be specially assessed against such right-of-way. 1928, c. 38, s. 4.

Assessment of cost of outlet for sewage.

**33.** Where the work is the construction of a sewer and it is necessary to construct an outlet for the sewage, and the lands fronting or abutting on or through which such outlet is constructed are not benefited or served thereby, the cost of the outlet shall be deemed to be a part of the cost of the sewer and shall not be specially assessed against the lands fronting or abutting on the outlet or through which the outlet is constructed. R.S.O. 1927, c. 235, s. 30.

Assessment of cost of outlet sewer as separate work.

**34.** When the work is the construction of a sewer which is an outlet for the sewage from lands not abutting directly upon the work, the council may, in the by-law for undertaking the work passed by a vote of three-fourths of all the members, provide for the payment by the corporation of such part of the cost of the work as to the council may seem just, and that the residue thereof shall be specially assessed on the lands not abutting on the work but immediately benefited thereby in the manner provided by sections 36 and 37. 1928, c. 38, s. 5.

Compensation by reducing assessment.

**35.—(1)** Where the work of acquiring, establishing, opening, widening, extending or diverting a street involves the taking of a portion of a lot abutting on the work, or of one or more of a number of lots or contiguous lots owned by the same person, the council may agree with the owner that in consideration of the dedication or gift of the land required to be taken or a release of or reduction in the owner's claim for compensation, the remainder of his lot or his remaining lots as the case may be shall be charged with no part or a specified portion or proportion only of the special assessment which



would otherwise be chargeable thereon in respect of the cost of the work, and the special assessment roll shall be prepared in conformity with such agreement notwithstanding anything to the contrary in this Act contained.

(2) An appeal shall lie to the court of revision and to the <sup>Appeal.</sup> county judge from the action of the council in like manner as an appeal lies under the provisions of this Act with regard to the cost of a work undertaken. R.S.O. 1927, c. 235, s. 31.

**36.** Where land not abutting directly upon a work is to be specially assessed, if the whole of it is equally benefited, the portion of the cost to be borne by such land shall be specially assessed upon the lots according to the extent of their frontage by an equal special rate per foot of such frontage. <sup>Assessment of non-abutting land equally benefited.</sup> R.S.O. 1927, c. 235, s. 32.

**37.** Where land not abutting directly upon a work is to be specially assessed, and the whole of it is not equally benefited, such land shall be divided into as many districts or sections as there are different proportions of benefit and so that a district or section shall embrace all the land which will be benefited in the same proportion, and its proper portion of the cost shall be assigned to each district or section, and the portion of the cost to be borne by each district or section shall be specially assessed on the lots therein according to the extent of their frontage by an equal special rate per foot of such frontage. <sup>Assessment of non-abutting land unequally benefited.</sup> R.S.O. 1927, c. 235, s. 33.

#### PROCEDURE FOR MAKING SPECIAL ASSESSMENT.

**38.—**(1) Where the owners' portion of the cost is to be specially assessed upon the lots abutting directly on the work by an equal special rate per foot frontage, before passing the by-law for undertaking it, the council shall procure to be <sup>Where all of owners' portion assessed on abutting land.</sup> made,—

- (a) a report as to the lifetime of the work;
- (b) a report as to the reductions, if any, which ought to be made under the provisions of section 28 in respect of any lot and the aggregate amount of such reductions;
- (c) an estimate of the cost of the work;
- (d) a statement of the share or proportion of the cost which should be borne by the land abutting directly on the work and by the corporation respectively;

- (c) a report as to the number of instalments by which the special assessment should be made payable.

Non-  
abutting  
land.

(2) In the case of a work part of the owners' portion of the cost of which may be specially assessed on land not abutting directly on the work, before passing the by-law for undertaking the work, in addition to procuring the reports and estimate mentioned in subsection 1, the council shall procure to be made a further report stating,—

- (a) whether it would be inequitable to charge the whole of the owners' portion of the cost on the land abutting directly on the work; and
- (b) if inequitable to do so, what portion of the cost should be borne by the corporation, what portion thereof should be specially assessed upon the land abutting directly on the work and what land not abutting directly on the work will be immediately benefited and should be specially assessed for any part of the cost and the portion of the cost which should be specially assessed upon it. R.S.O. 1927, c. 235, s. 34.

Lifetime of  
work of  
widening  
pavement.

(3) Where the work is the widening of a pavement which has been constructed as a local improvement and the lifetime of which has not expired, the unexpired portion of the lifetime of the pavement so constructed shall be the lifetime of the work. 1929, c. 60, s. 5.

Special  
assessment  
roll.

**39.** Before a special assessment is imposed, the council shall procure to be made a special assessment roll in which shall be entered,—

- (a) every lot to be specially assessed in respect of the owners' portion of the cost, the name of the owner and the number of feet of its frontage to be so assessed;
- (b) every lot which, but for the provisions of section 59, would be exempt from the special assessment and the number of feet of its frontage;
- (c) the rate per foot with which each lot is to be so assessed;
- (d) the number of instalments by which the special assessment is to be payable. R.S.O. 1927, c. 235, s. 35.

**40.** The council may provide for the making of the reports, statements, estimates and special assessment roll mentioned in sections 38 and 39 in such manner and by such officer of the corporation or person as the council may deem proper, and may do so by a general by-law applicable to all works or to any class or classes of them or by a by-law applicable to the particular work. R.S.O. 1927, c. 235, s. 36.

How reports, statements, etc., to be made.

**41.—**(1) Before a special assessment is imposed, a sittings of the court of revision for the hearing of complaints against the proposed special assessment shall be held.

Holding of court of revision.

(2) Ten days' notice of the time and place of the sittings shall be given by publication, and at least fifteen days before the day appointed for the sittings, a notice (Form 4) shall be mailed to the owner of every lot which is to be specially assessed. R.S.O. 1927, c. 235, s. 37.

Time and place of.

**42.** The special assessment roll shall be kept open for inspection at the office of the clerk for at least ten days next before the day appointed for the sittings of the court of revision. R.S.O. 1927, c. 235, s. 38.

Special assessment roll to be kept open for ten days.

**43.** A statement showing under appropriate heads the actual cost of the work, verified by the certificate of the clerk, assessment commissioner, treasurer or deputy or assistant treasurer of the municipality shall be delivered to the chairman of the court of revision before the meeting of the court. R.S.O. 1927, c. 235, s. 39; 1933, c. 26, s. 3.

Statement of cost of work for court of revision.

**44.—**(1) In ascertaining the actual cost of the work under section 43 where, in the opinion of the engineer and assessment commissioner or treasurer, the cost of any unfinished portion of the work and any unsettled claims for lands taken for or injuriously affected by the work will not exceed in amount twenty-five per centum of the total estimated cost of the work, the engineer and assessment commissioner or treasurer may estimate the cost of such unfinished work, and the amount of all such claims, and the amount may be included in the actual cost to be ascertained and certified under section 43, and shall be deemed to be the correct amount thereof subject to any order made with reference thereto by the court of revision. R.S.O. 1927, c. 235, s. 40 (1); 1932, c. 30, s. 7.

Estimate of cost of unfinished work and unsettled claims.

(2) If the cost of such unfinished work and unsettled claims exceeds the amount so estimated by the engineer and assessment commissioner or treasurer, the excess over the estimated amount shall be borne by the corporation.

(3) If the cost of such unfinished work and unsettled claims is less than the estimated cost, the balance remaining in the hands of the municipality shall be applied *pro tanto* to payment of the rates to be levied under the by-law. R.S.O. 1927, c. 235, s. 40 (2, 3).

Powers of  
Court.

**45.**—(1) The court of revision shall have jurisdiction and power to review the proposed special assessment and to correct the same as to all or any of the following matters:

(a) where the owners' portion of the cost is to be specially assessed against the land abutting directly on the work, as to the following matters:

- i. the names of the owners of the lots;
- ii. the frontage or other measurements of the lots;
- iii. the amount of the reduction to be made under the provisions of section 28 in respect of any lot;
- iv. as to the lots which, but for the provisions of section 59, would be exempt from special assessment;
- v. as to the lifetime of the work; and
- vi. as to the rate per foot with which any lot is to be specially assessed;

(b) where part of the owners' portion of the cost is to be specially assessed on land not abutting directly on the work in addition to the matters mentioned in clause a, as to the lots other than those abutting directly on the work which are or will be immediately benefited by it, and as to the special assessment which such lots should respectively bear;

(c) in all cases as to the actual cost of the work.

No power  
to alter  
proportions  
of cost.

(2) The court of revision shall not have jurisdiction or authority to review or to alter the proportions of the cost of the work which the lands to be specially assessed and the corporation are respectively to bear according to the provisions of the by-law for undertaking the work. R.S.O. 1927, c. 235, s. 41.

Omission to  
assess  
certain lots.

**46.**—(1) Where it appears to the court of revision that any lot which has not been specially assessed should be specially assessed, before finally determining the matter, the court shall adjourn its sittings to a future day and shall cause notice (Form 4) to be given to the owner of such lot of the time and place when the adjourned sittings will be held.



(2) The notice shall be mailed at least six days before the time fixed for the adjourned sittings. Time for mailing notice.

(3) If the court of revision determines that any such lot ought to be specially assessed, the court shall have jurisdiction and power to fix and determine the amount of the special assessment thereon. Power to fix special assessment of lots. R.S.O. 1927, c. 235, s. 42.

**47.** The clerk shall make such corrections in the special assessment roll as are necessary to give effect to the decisions of the court of revision, and the roll when so corrected shall be certified by the clerk, and when so certified, except in so far as it may be further amended on appeal to the judge, such assessment roll and the special assessment shall be valid and binding upon all persons concerned and upon the land specially assessed, and the work in respect of which such special assessment roll has been made and certified, shall be conclusively deemed to have been lawfully undertaken and proceeded with pursuant to and in accordance with the provisions of this Act. When special assessment roll to be final. R.S.O. 1927, c. 235, s. 43.

**48.**—(1) The council or the owner of a lot specially assessed may appeal to the judge of the county court from any decision of the court of revision. Appeal to county judge.

(2) The provisions of *The Assessment Act* as to appeals to the judge shall apply to an appeal under the provisions of subsection 1. Application of Rev. Stat. c. 272.

(3) The judge shall have the like jurisdiction and powers as are conferred on the court of revision by section 45, and the provisions of section 46 shall apply where it appears to the judge that any lot not specially assessed ought to be so assessed. Powers of judge. R.S.O. 1927, c. 235, s. 44.

#### BORROWING POWERS.

**49.**—(1) The council may agree with any bank or person for temporary advances to meet the cost of the work pending the completion of it. Temporary loans.

(2) The council may, when the work undertaken is completed, borrow on the credit of the corporation at large such sums as may be necessary to repay such advances and to defray the cost of the work undertaken, including the corporation's portion of the cost, and may issue debentures for the sums so borrowed. Issue of debentures.

(3) Where the council has undertaken the construction of several sewers connected as a system of sewers, no sewer in such system shall for the purposes of subsections 1 and 2 of this section be deemed to be completed until all the sewers When sewerage works deemed to be completed.

in such system are completed, and there shall be added to the cost of each sewer forming part of the said system of sewers its proportionate share of the whole of the interest upon the temporary loans made by the corporation pending the construction of all the sewers forming the said system as if all the said sewers had been constructed at the same time.

Application  
of Rev.  
Stat. c. 266.

(4) The provisions of *The Municipal Act* as to by-laws for creating debts shall apply to by-laws passed under the authority of subsection 2, except that it shall not be necessary,—

(a) that the by-law be submitted to or receive the assent of the electors;

(b) that any rate be imposed for the payment of the principal of so much of the money borrowed as represents the owners' portion of the cost or of the interest thereon, other than the special rate per foot frontage imposed to meet it;

and except that the debentures, save as provided by section 52, shall be payable within the lifetime of the work.

Special  
fund for  
payment  
of de-  
bentures.

(5) The special rates imposed for the owners' portion of the cost shall form a special fund for the payment of the debentures issued under the authority of subsection 2 and the interest thereon and shall not be applicable to or be applied for any other purpose.

General rate  
to meet  
deficiency  
in special  
rate.

(6) If in any year the amount realized from the special rate imposed to provide for the owners' portion of the cost and interest is insufficient to pay the amount falling due in such year in respect of so much of the debentures as represent the owners' portion of the cost, the council shall provide for the deficiency in the estimates for the following year and levy and collect the same by a general rate, but this shall not relieve the land specially assessed from the special rate thereon.

Owners'  
portion not  
to be  
deemed part  
of debenture  
debt of cor-  
poration.  
Rev. Stat.,  
c. 266.

(7) The amount borrowed under the provisions of subsection 2, in respect of the owners' portion of the cost, shall not be deemed to be part of the existing debenture debt of the corporation within the meaning of the provisions of *The Municipal Act*, limiting the borrowing powers of the municipality.

Corpora-  
tion's por-  
tion may  
be included  
in yearly  
estimates.

(8) Instead of borrowing the amount of the corporation's portion of the cost of a work undertaken, the council may include the same in the estimates of the year. R.S.O. 1927, c. 235, s. 45.

**50.**—(1) Where two or more works have been constructed and the by-laws provided for by subsection 2 of section 49 have been passed, instead of borrowing the separate sums thereby authorized to be borrowed and issuing debentures therefor, the council by by-law, hereinafter called the consolidating by-law, may provide for borrowing the aggregate of such separate sums and for issuing one series of debentures therefor.

(2) The consolidating by-law shall show by recitals or otherwise in respect of what separate by-laws it is passed.

(3) It shall not be necessary that the consolidating by-law shall impose any rate to provide for the payment of the debentures issued under it or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose. R.S.O. 1927, c. 235, s. 46.

(4) In cities a consolidating by-law passed under subsection 1 may authorize the issue of debentures in one series notwithstanding that some of such debentures may be for different terms of years from the other debentures to be issued thereunder, provided the sum to be raised in each year under the consolidating by-law shall equal the aggregate of the sums which would have been raised under the separate by-laws had no consolidating by-law been passed. 1931, c. 55, s. 1.

**51.** Instead of passing a by-law under section 49 in respect of each individual work, a municipal council may pass one by-law in respect of several local improvement works giving in such by-law in respect of each such work substantially the same information as would be given in several by-laws respecting such works, and may provide in such by-law for borrowing the aggregate cost of such several works and for issuing one series of debentures therefor. R.S.O. 1927, c. 235, s. 47.

**52.**—(1) The council shall impose upon the land liable therefor the special assessment with which it is chargeable in respect of the owners' portion of the cost, and the same shall be payable in such annual instalments as the council shall prescribe, but not so as to extend beyond the lifetime of the work unless the work is of the class prescribed in clause 1 of subsection 1 of section 2, in which case the annual instalments may extend over a period of not more than forty years.

(2) In fixing the amount of the annual instalments a sum sufficient to cover the interest shall be added.

(3) The council may also either by general by-law or by a by-law applicable to the particular work prescribe the terms

Consolidation of by-laws.

Rates not to be imposed by consolidating by-law.

Consolidating by-law may authorize debentures of different terms of years.

One by-law for several works.

Term of annual instalments of special assessment.

Interest.

Commutation of special rates.

and conditions upon which persons whose lots are specially assessed may commute for a payment in cash the special rates imposed thereon. R.S.O. 1927, c. 235, s. 48.

Time special  
or general  
rate may be  
levied.

**53.** Any special or general rate imposed by a by-law providing for the issue of debentures to pay for the cost or part of the cost of a work undertaken under this Act may be levied by the council as soon as the by-law is passed, and no such rate heretofore or hereafter levied shall be held to be illegal by reason of the debentures in respect to which the rate is levied, or any of same, not having been issued at the time of levying such rate. 1930, c. 45, s. 2.

Application  
of Rev. Stat.  
c. 272.

**54.** The provisions of *The Assessment Act* as to the collection and recovery of taxes, and the proceedings which may be taken in default of payment thereof, shall apply to the special assessments and the special rates imposed for the payment of them. R.S.O. 1927, c. 235, s. 49.

Where by-  
law quashed  
court may  
direct pass-  
ing of new  
by-law.

**55.**—(1) If the special assessment in respect of it has become confirmed under the provisions of section 47, no by-law for borrowing money to defray the cost of the work or for imposing the special assessment shall be quashed, set aside or adjudged to be invalid by reason of its illegality or of any defect in it, but the court in which any proceeding for quashing, setting aside or declaring to be invalid the by-law is taken shall on such terms and conditions as to costs and otherwise as may be deemed proper direct the council to amend or to repeal such by-law and, where a repealing by-law is directed, to pass a new by-law in proper form in lieu of the repealed by-law, and it shall be the duty of the council to pass such by-law or by-laws accordingly.

Liabilities  
incurred to  
be binding.

(2) Every liability or obligation incurred and every debenture issued by the corporation under the authority of any such defective or illegal by-law shall be as effectual and as binding as if the amending or new by-law directed to be passed had been passed and was in force at the time such liability or obligation was incurred or such debenture was issued.

Where court  
of its own  
motion  
directs pass-  
ing of new  
by-law.

(3) Although no proceeding has been taken to quash, set aside or declare invalid the by-law, the council may of its own motion and if required by any person to whom it has incurred any liability on the faith of the by-law shall pass such amending or new by-law as may be necessary to make effectual and binding the liability so incurred and any debenture issued under the authority of such by-law, and the provisions of subsection 2 as to the effect of an amending or new by-law shall apply to any by-law so passed. R.S.O. 1927, c. 235, s. 50.



## REPAIR OF WORK.

**56.**—(1) After a work undertaken has been completed, it shall during its lifetime be kept in repair by and at the expense of the corporation. Maintenance and repair of work by corporation.

(2) Nothing in this Act shall relieve the corporation from any duty or obligation to keep in repair the highways under its jurisdiction to which it is subject either at common law or under the provisions of *The Municipal Act*, or otherwise, or impair or prejudicially affect the rights of any person who is damaged by reason of the failure of the corporation to discharge such duty or obligation. R.S.O. 1927, c. 235, s. 51. General duty to repair not affected. Rev. Stat. c. 266.

**57.**—(1) Where, at any time during the lifetime of a work undertaken, the corporation fails to keep and maintain it in a good and sufficient state of repair, and, after one month's notice in writing by the owner or occupant of any lot specially assessed requiring the corporation to do so does not put the work in repair, a judge of the Supreme Court, or the judge of the county court of the county in which the municipality lies, upon the application of any owner or occupant of any land so specially assessed, may make an order requiring the corporation to put the work in repair. Compelling corporation to repair.

(2) The judge may determine what repairs are necessary and by his order may direct them to be made in such manner, within such time and under such supervision as he may deem proper. Determination as to necessary repairs.

(3) Where a person under whose supervision the repairs are to be made is appointed, the judge may fix and determine the remuneration to be paid to such person and the same shall be paid by the corporation and payment thereof may be enforced in like manner and by the same process as a judgment for the payment of money. Remuneration of person supervising.

(4) The order shall have the same effect and may be enforced in like manner as a preceptory mandamus. Effect of order.

(5) If the corporation does not comply with the order of the judge, in addition to any other remedy to which the applicant for the order may be entitled, the judge may authorize the repairs to be made by the applicant, and if made by him the cost thereof shall be ascertained and determined by the judge, and when so ascertained and determined, payment thereof may be enforced in like manner and by the same process as a judgment for the payment of money. When repairs may be made by applicant and payment therefor.

Appeal.

(6) An appeal shall lie to the Court of Appeal from any order made under the provisions of this section. R.S.O. 1927, c. 235, s. 52.

## ASSESSMENT OF LAND EXEMPT FROM TAXATION.

Certain  
lands ex-  
empt from  
taxation  
liable to be  
specially  
assessed.

Rev. Stat.  
c. 272.

**58.** Land on which a church or place of worship is erected or which is used in connection therewith, and the land of a university, college or seminary of learning, whether vested in a trustee or otherwise, except schools maintained in whole or in part by a legislative grant or a school tax, shall be liable to be specially assessed for local improvements, notwithstanding the provisions of *The Assessment Act*. R.S.O. 1927, c. 235, s. 53.

Land  
exempt from  
taxation for  
local im-  
provements  
to be  
specially  
assessed.

**59.** Land exempt from taxation for local improvements under any general or special Act shall nevertheless, for all purposes, except petitioning for or against undertaking a work, be subject to the provisions of this Act and shall be specially assessed; but the special assessments imposed thereon which fall due while such land remains exempt shall not be collectible from the owner thereof, but shall be paid by the corporation. R.S.O. 1927, c. 235, s. 54.

## STREET CLEANING, ETC.

Cleaning,  
watering,  
lighting  
streets, etc.

**60.**—(1) The council may by by-law provide that thereafter the annual cost of cleaning, clearing of snow and ice, watering, oiling, sweeping, lighting, light supplied in excess of that supplied at the expense of the corporation at large, cutting grass and weeds and trimming trees and shrubbery on any street, or any one or more of such services shall be specially assessed upon the land abutting directly on such street according to the frontage thereof, and the foregoing provisions of this Act shall not apply to such services.

Street  
lighting,  
apportion-  
ment of cost.

(2) As to street lighting, the by-law may provide that a part of the annual cost may be assessed upon the lands abutting directly on the street and that the remainder of such cost shall be assumed by the corporation at large.

Application  
to defined  
areas.

(3) Instead of naming the particular street or streets, the by-law may apply to all the streets in a defined section or sections of the municipality.

Special rate.

(4) Where the council so provides the amount of the special rate imposed to defray such cost may be entered on the collector's roll and collected in like manner as other taxes.

(5) The by-law shall remain in force from year to year Duration of by-law.  
until repealed. R.S.O. 1927, c. 235, s. 55.

**61.**—(1) Where a highway forms the boundary between two or more municipalities although it lies wholly within one or partly within two or more of them, the corporations of the municipalities may agree,— Power to construct works on boundary lines.

(a) to undertake in respect of such highway or any part of it any work or service which may be undertaken as a local improvement under this Act;

(b) as to the council by which the work or service shall be undertaken;

(c) as to whether the corporations' portion of the cost shall be provided for by borrowing or shall be included in the estimates of the year; and

(d) as to the proportions in which the corporations' portion of the cost shall be borne by such corporations respectively.

(2) The council of the municipality which according to the agreement is to undertake the work or service, hereinafter called the initiating council, shall have all the powers and perform all the duties in respect of it which may be exercised or are to be performed by the council of a municipality which undertakes a work or service as a local improvement under this Act, and the highway shall, for the purposes of the work or service, be deemed to lie wholly within and to be under the exclusive jurisdiction of the initiating council. Powers and duties of initiating council.

(3) The clerk of the initiating council shall forthwith, after the passing of its by-law imposing the special rates to defray the owners' portion of the cost, deliver or transmit by registered post to the clerk of any municipality in which is situate any land upon which a special rate has been imposed a copy of the by-law certified under his hand and the seal of the corporation to be a true copy. Certified copies of by-law to be sent to clerks of other municipalities.

(4) The rates required by the by-law to be levied and collected in any year upon land in any municipality other than that by the council of which the by-law is passed shall be collected by the council of such municipality in like manner as if such rates had been imposed by that council. Collection of rates in other municipalities.

(5) The corporation of each of the municipalities other than that by the council of which the work or service is undertaken shall pay to the last-mentioned corporation the sums which are to be levied and collected in that year under sub- Payment over to initiating council.

section 4, and such payment shall be made on demand therefor at any time after the 14th day of December in that year, and shall be made whether or not such rates have been collected from the persons liable to pay them.

Payment not to relieve land assessed.

(6) Such payment shall not relieve any land specially assessed from the special rate thereon, but it shall remain liable for the special rate until it is paid.

Payment over where corporations' part included in estimates.

(7) Where the agreement provides that the corporations' portion of the cost shall be included in the estimates of the year, the corporation of each of the municipalities, other than that by the council of which the work or service is undertaken, shall pay to that corporation when the amount of the corporations' portion of the cost is finally determined its share or portion of such cost, and the amount so paid shall be provided for in the estimates for the then current year of the council of the corporation which is to pay it.

Where corporations' portion met by issue of debentures.

(8) Where the agreement provides that the amount required to defray the corporations' portion of the cost is to be borrowed, the corporation of each of the municipalities, except that by the council of which the work or service is undertaken, shall in each year during the currency of the debentures issued for the money borrowed pay to that corporation the same proportion of the principal and the interest payable in that year as under the agreement it is to bear of the corporations' portion of the cost, and the amount which the by-law for borrowing the money requires to be raised in that year shall be reduced by the sum so paid.

Maintenance and repair.

(9) The corporations shall bear the cost of keeping the work in repair in the proportions in which the cost of the work is to be borne by them. R.S.O. 1927, c. 235, s. 56.

Construction of bridge over ravine separating municipalities.

**62.**—(1) Where a ravine separates the lands of adjoining municipalities and it is deemed desirable to construct a bridge connecting the lands of such municipalities, the council of either municipality may pass a by-law for undertaking the work of constructing the bridge or of constructing the bridge combined with any other work which may be undertaken as a local improvement and the provisions of this Act shall apply except that, subject to the provisions of subsections 2 and 3, no part of the cost of the work shall be assessed upon lands in the other municipality.

Agreement with other municipality as to proportion of cost to be borne by it.

(2) Where lands which will be benefited by the work lie within the limits of any municipality other than the initiating municipality, the council of the initiating municipality may agree with the council of such other municipality as to the



proportion of the cost of the work to be borne by the corporation of that municipality and the lands within it, and such last-mentioned council may pass a by-law for the issue of debentures for the amount of such proportion, payable within such period not exceeding twenty years, as the council may determine, and it shall not be necessary that the by-law be submitted to the vote of the electors.

(3) The council of such other municipality may proceed under this Act for the purpose of assessing the lands within it which will be benefited by the work their proper proportion of the amount which it shall have agreed to contribute to the cost of the work in the same way as if the work had been undertaken by such council and the amount to be so contributed were the cost of the work, and the proceedings shall be in accordance with the provisions of this Act. R.S.O. 1927, c. 235, s. 57.

Powers of other municipality to specially assess land.

#### SPECIAL PROVISIONS AS TO TOWNSHIPS, VILLAGES, ETC.

**63.** The council of a township or village may undertake as a local improvement,— Waterworks.

- (a) the construction of waterworks;
- (b) the laying of mains and other appliances to connect with any existing system of waterworks whether owned by the corporation or by any other person. R.S.O. 1927, c. 235, s. 58.

**64.**—(1) The council of a village or township may in the by-law for undertaking any work as a local improvement, define a section or area in the village or township and may provide that that part of the cost which would otherwise be the corporation's portion, together with such part as to the council may seem proper of what would otherwise be the owners' portion shall be assessed and levied on the whole rateable property in such defined section or area, and where the work is the construction of a watermain, sewer, sidewalk, curb or pavement and the petition for the work so requests, may also provide that the whole cost of the work including that part which would otherwise be the corporation's portion of the cost shall be specially assessed upon the lots fronting or abutting on the work. R.S.O. 1927, c. 235, s. 59.

Assessment of cost of works for benefit of defined areas.

(2) When the work undertaken is the construction of waterworks, the whole cost of construction and the annual cost of managing and maintaining the work shall be assessed by a special rate on the whole rateable property in the area, and with

Assessment of cost of water-works.

respect to any such work it shall not be necessary to serve notice of intention to construct the work upon owners of the lots in the area and the provisions of section 12 with respect to service of notice and the provisions of sections 38 to 48 shall not apply to the work. 1931, c. 55, s. 2.

#### ADOPTION OF LOCAL IMPROVEMENT SYSTEM.

Adoption  
of local im-  
provement  
system.

Rev. Stat.  
c. 266.

**65.**—(1) The council of a corporation by by-law passed with the assent of the municipal electors, in accordance with the provisions of *The Municipal Act*, may provide that all works which may be undertaken as local improvements, or any one or more classes or descriptions of such works thereafter, or after a day named in the by-law, shall be undertaken as local improvements and not otherwise.

Repeal of  
by-law.

(2) The by-law may be repealed, but only by a by-law passed with the like assent. R.S.O. 1927, c. 235, s. 60.

#### MISCELLANEOUS.

Special  
rates and  
covenant  
against in-  
cumbrances.

**66.** The special assessment and the special rates charged or chargeable upon land for or in respect of the cost of any work undertaken, whether upon petition or otherwise, except so much of them as is in arrear and unpaid, shall not, as between a vendor and a purchaser, or as respects a covenant against incumbrances, or for the right to convey, or for quiet possession free from incumbrances, be deemed to be an incumbrance upon the land upon which the special rate is charged or chargeable. R.S.O. 1927, c. 235, s. 61.

When work  
may be  
completed.

**67.** Proceedings for undertaking a work begun by one council may be continued, and the work may be begun, continued and completed by a succeeding council. R.S.O. 1927, c. 235, s. 62.

Municipal  
Board may  
prescribe  
forms.

**68.** The Ontario Municipal Board may approve of forms of by-laws, notices and other proceedings to be passed, given or taken under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding which is in substantial conformity with the form so approved shall not be open to objection on the ground that it is not in the form required by the provisions of this Act applicable thereto; but the use of such forms shall not be obligatory. R.S.O. 1927, c. 235, s. 63.

## FORM 1.

(Section 10.)

Take notice that

1. The Council of the Corporation of the \_\_\_\_\_ of \_\_\_\_\_ intends to construct as a local improvement (*describe the work*) on \_\_\_\_\_ (or in) \_\_\_\_\_ street, between (*describe the points between which the work is to be constructed*) and intends to specially assess a part of the cost upon the land abutting directly on the work (*in case other land is to be specially assessed add*) and upon the following land which is immediately benefited by the work (*describe the land*).

2. The estimated cost of the work is \$ \_\_\_\_\_, of which \$ \_\_\_\_\_ is to be paid by the Corporation. The estimated cost per foot frontage is \$ \_\_\_\_\_. The special assessment is to be paid in \_\_\_\_\_ annual instalments.

3. A petition to the said council will not avail to prevent its construction, but a petition against the work or the manner in which it has been undertaken, may be made pursuant to section 8 of *The Local Improvement Act*, to the Ontario Municipal Board, by a majority of the owners representing at least one-half of the value of the lots which are to be specially assessed therefor.

4. A by-law for undertaking the work will be considered by the council at a meeting thereof to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, or at a regular or special meeting thereof to be held thereafter.

Dated \_\_\_\_\_ Clerk.

(Note.—Where that part of the municipality in which the land to be specially assessed is situate is divided into districts or sections, the form will be altered to show the special rate per foot frontage in each district or section.)

R.S.O. 1927, c. 235, Form 1.

## FORM 2.

(Section 8).

Take notice that

1. The Council of the Corporation of the \_\_\_\_\_ of \_\_\_\_\_ intends to construct as a local improvement (*describe the work*) on \_\_\_\_\_ (or in) \_\_\_\_\_ street between (*describe the points between which the work is to be constructed*) and intends to specially assess a part of the cost upon the land abutting directly on the work (*in case other land is to be specially assessed, add*) and upon the following land which is immediately benefited by the work (*describe the land*).

2. The estimated cost of the work is \$ \_\_\_\_\_ of which \$ \_\_\_\_\_ is to be paid by the Corporation. The estimated cost per foot frontage is \$ \_\_\_\_\_. The special assessment is to be paid in \_\_\_\_\_ equal annual instalments and the estimated annual rate per foot frontage is \_\_\_\_\_ cents.

3. Application will be made by the Corporation to the Ontario Municipal Board for its approval of the undertaking of the said work and any owner may within twenty-one days after the first publication of this notice file with the Board his objection to the said work being undertaken.

4. The said Board may approve of the said work being undertaken, but before doing so it may appoint a time and place when any objections to the said work will be considered.

Dated \_\_\_\_\_

Clerk.

(Note.—Where it is intended to assess part of the cost upon non-abutting land, the form of notice is to be amended to show the cost per foot frontage and annual frontage rate to be charged against such lands.)

1932, c. 30, s. 3.

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### FORM 3.

(Section 12.)

Take notice that

1. The Council of the Municipal Corporation of the \_\_\_\_\_ of \_\_\_\_\_ intends to construct (*describe the work*) on \_\_\_\_\_ (or in) \_\_\_\_\_ street between (*describe the points between which the work is to be constructed*) as a local improvement and intends to specially assess a part of the cost upon the land abutting directly on the work (*in case other land is to be specially assessed, add*) and upon the following land which is immediately benefited by the work (*describe the land*).

2. The estimated cost of the work is \$ \_\_\_\_\_, of which \$ \_\_\_\_\_ is to be paid by the Corporation, and the estimated cost per foot frontage is \_\_\_\_\_. The special assessment is to be paid in \_\_\_\_\_ annual instalments.

3. Persons desiring to petition against undertaking the work must do so on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Dated \_\_\_\_\_ Clerk.

(Note.—Where that part of the municipality in which the land to be specially assessed is situate is divided into districts or sections, the form will be altered to show the special rate per foot frontage in each district or section.)

R.S.O. 1927, c. 235, Form 2.

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### FORM 4.

(Sections 41 (2) and 46).

Take notice that

1. The Council of the Corporation of the \_\_\_\_\_ of \_\_\_\_\_ has constructed as a local improvement (*describe the work*) on (or in) \_\_\_\_\_ street between (*describe the points between which the work has been constructed*).

2. The cost of the work is \$ \_\_\_\_\_ of which \$ \_\_\_\_\_ is to be paid by the Corporation. The special rate per foot frontage is \_\_\_\_\_. The special assessment is to be paid in \_\_\_\_\_ annual instalments.

3. The estimated lifetime of the work is \_\_\_\_\_ years.

4. A Court of Revision will be held on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock at the (*insert place of meeting*) for the purpose of hearing complaints against the proposed assessments or the



accuracy of frontage measurements and any other complaint which persons interested may desire to make and which is by law cognizable by the Court, or (where the Court of Revision proceeds under section 46.)

5. You are served with this notice because the Court of Revision is of opinion that your lot, though not specially assessed, should be specially assessed in respect of the owners' portion of the cost of the work and an adjourned sittings of the Court will be held on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock at the (insert place of meeting) when the matter will be determined by the Court.  
Dated \_\_\_\_\_ Clerk.

(Note.—Where that part of the municipality in which the land to be specially assessed is situate is divided into districts or sections, the form will be altered to show the special rate per foot frontage in each district or section.)

R.S.O. 1927, c. 235, Form 3.

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## CHAPTER 270.

## The Planning and Development Act.

Interpreta-  
tion.**1.** In this Act,—“Urban  
zone.”

- (a) “Urban zone” shall, subject to the provisions of section 3, mean,
- (i) in the case of a city, the area within five miles of said city, but exclusive of any part of another city;
  - (ii) in the case of a town, the area within three miles of said town, but exclusive of any part of a city or other town;
  - (iii) in the case of a village, the area within three miles of such village, exclusive of any part of a city or town or other village;

Part of  
municipality.

- (b) Where part of a town or village is within the urban zone of a city, or part of a village is within the urban zone of a town, the whole of such town or village shall be deemed to be within the urban zone of such city or town, as the case may be;

“Joint  
urban zone.”

- (c) “Joint urban zone” shall mean an area included within the urban zones, as herein defined, of two or more municipalities; a joint urban zone shall be deemed to adjoin a city, town or village whenever any part of such joint urban zone is included in the urban zone of such city, town or village;

“Board.”

- (d) “Board” shall mean Ontario Municipal Board. R.S.O. 1927, c 236, s. 1.

Application of  
Act.

**2.** This Act shall apply to lands within cities, towns and villages and the urban zones as above defined surrounding the same. R.S.O. 1927, c. 236, s. 2.

Variation of  
urban zone.

**3.**—(1) Where any urban municipality desires to vary the urban zone surrounding it from that as above defined, it may file with the Board a plan certified by an Ontario land surveyor, showing the area adjoining such municipality which it desires to include in its urban zone, and such plan may, with the approval of the Board, and notwithstanding the provisions

of section 1, include a greater or less area than those mentioned in section 1.

(2) Such plan may, with the approval of the Board, be altered or amended from time to time, and the size, form or location of the area shown therein may, subject to such approval, be enlarged, reduced, changed or altered. Alteration of plan.

(3) Notice of every application to the Board for approval of such plan or any amendment of the same, together with a copy of every such plan, shall be served on every municipality within which, or within the urban zone of which, is situated any part of the area shown on any such plan. Service of notice of application to Board.

(4) The Board shall hear any of such municipalities desiring to be heard and may approve any such plan or require the same to be changed, altered or amended before approving thereof. Hearing.

(5) In giving consideration to such plans, the Board may have regard to making the urban and joint urban zones of adjoining or neighbouring municipalities conform to one another so far as desirable in the opinion of the Board. What Board may consider.

(6) Upon the approval of any such plan by the Board, such urban municipality shall file the same in the proper registry or land titles office. Registration of plans.

(7) In the case of any municipality securing the approval of any such plan or amendment, the area shown thereon shall constitute the urban zone of such municipality, provided, however, that the whole or any part of such area may be included in a joint urban zone under this Act. Plan approved to be urban zone.

(8) A copy of such plan, and of any plan amending the same, as approved by the Board, shall be filed by the municipality propounding it with the clerk of the city, town or village, and with the clerk of any municipality within which is situate such urban zone or any part thereof, and also with the Board, and in the case of a joint urban zone, a copy of said plan shall also be filed by the municipality propounding it with the clerk of each of the municipalities which such joint urban zone adjoins, and such plans shall be open to inspection without fee, by any person, at all reasonable times. R.S.O. 1927, c. 236, s. 3. Filing of copies of plan with municipal clerks.

4.—(1) The council of a city, town or village may procure to be made for adoption by it a general plan of such city, town or village, and the urban zone adjoining it; or of such portion of the same as such council may deem expedient. General plan of municipality and urban zone.

What plan  
to show.

(2) Such plan shall show all existing highways and any widening, extension or relocation of the same which may be deemed advisable, and also all proposed highways, parkways, boulevards, parks, play grounds and other public grounds or public improvements, and shall be certified by an Ontario land surveyor.

Amendment.

(3) Such plan may, subject to the approval of the Board, be amended, changed or extended from time to time by the council as it may deem expedient.

Approval of  
Board before  
adoption  
by council.

(4) Such general plan, and any plan amending the same, shall be approved by the Board before being finally adopted by the council of such city, town or village, and upon the application to the Board for such approval, the council of all municipalities concerned shall, after notice to them, be entitled to be heard by counsel or agent.

Changes by  
Board.

(5) Upon such application, the Board shall have power to order such changes to be made in such plan as it may deem necessary or proper.

Filing of  
approved  
plan with  
municipal  
clerks.

(6) A copy of such general plan, and of any plan amending the same, as approved by the Board and adopted by the council, shall be filed by the municipality propounding it with the clerk of the city, town or village, and with the clerk of any municipality within which is situate such urban zone or any part thereof, and also with the Board, and in the case of a joint urban zone, a copy of said plan shall also be filed by the municipality propounding it with the clerk of each of the urban municipalities which such joint urban zone adjoins, and such plans shall be open to inspection without fee, by any person at all reasonable times.

Registra-  
tion.

(7) Upon the approval of any such plan by the Board, such urban municipality shall file the same in the proper registry or land titles office. R.S.O. 1927, c. 236, s. 4.

Approval of  
plans of  
survey and  
subdivision  
before  
registration.

**5.**—(1) No plan of survey and subdivision of land within a city, town or village shall be registered unless it has been approved by the council of such city, town or village, or by the Board.

Land in  
urban zone.

(2) No plan of survey and subdivision of land within an urban zone or joint urban zone shall be registered unless it has been approved by the council of each municipality within which any part of such land is situate, and by the council of any city, town or village which such urban zone or joint urban zone adjoins, or by the Board.



(3) No plan of survey and subdivision of land abutting on a highway of a less width than sixty-six feet, or upon which there is laid out a street of a less width than sixty-six feet, shall be registered unless it has been approved by the proper municipal council or councils and by the Board. R.S.O. 1927, c. 236, s. 5 (1-3).<sup>a</sup>

Land  
abutting  
narrow  
highway.

(4) Any public or private street, way, lane or alley or block, tract or lot, being the only access to a lot or lots laid down on a plan of survey and subdivision, shall, for the purposes of this section, be deemed to be a street or highway. 1929, c. 61. s. 2.

Private  
street, lane,  
etc., deemed  
highway.

(5) No lot laid down on a plan of survey and subdivision of land which has not been approved as in this section required, shall be sold or conveyed by a description referring to such plan or to the lot as laid down on such plan.

No sale  
pending  
approval.

(6) This section shall apply to all plans of survey and subdivision of land not registered, whether such plans were made before or after the time of the passing of this Act. R.S.O. 1927, c. 236, s. 5 (4, 5).

Application  
of section.

(7) Any person surveying and subdividing into lots any land situated within the boundaries of any city, town or village or of any township within an urban zone shall pay to the treasurer of such city, town or village or of such township at the time of the application for the approval of the council thereof a fee of five cents per foot frontage for all land surveyed and subdivided by such plan and fronting upon any highway already existing or laid out upon such plan, and the council may withhold its approval of such plan until payment of the proper fees payable hereunder. R.S.O. 1927, c. 236, s. 5 (6); 1933, c. 46, s. 2.

Fee to be  
paid to city  
on approval  
of plan.

(8) In the event of any dispute as to the amount of fees payable under subsection 7, the same shall be referred to the Board, whose determination with relation thereto shall be final and binding. R.S.O. 1927, c. 236, s. 5 (7).

Disputes as  
to amount  
of fees.

**6.**—(1) Where any person is desirous of surveying and subdividing into lots, with a view to the registration of a plan of survey and subdivision, a tract of land situate in any city, town or village, or in any urban zone or joint urban zone, the following proceedings shall be had and taken:

Procedure  
for registra-  
tion of plan  
of survey  
and sub-  
division.

(a) Such person shall submit a plan, certified by an Ontario land surveyor, of the proposed survey and subdivision to the council of such city, town or village, and also where the land is situate within an urban zone, to the council of each municipality within which any part of the land is situate.

- (b) Where any part of such land is within a joint urban zone, such plan shall also be submitted to the council of every municipality whose urban zone includes such land or any portion thereof.
- (c) The council of every municipality to which the plan is submitted shall, within four weeks from the date of the receipt thereof, approve the plan or notify in writing the person submitting the same and the Board of its reasons for not approving the same.
- (d) If such approval be not given within the time specified in clause *c*, the person submitting the plan may apply to the Board for its approval and every party and municipality interested shall be notified of the application by such person, and shall be entitled to be heard at the hearing of the application by the Board.
- (e) The board, in determining such application, may approve or refuse to approve such plan, and shall have power to order such changes to be made in such plan as to the Board may seem necessary or proper. R.S.O. 1927, c. 236, s. 6.

Case of land  
in urban  
zone of city  
over 200,000.

(2) Where the tract of land is situate in the urban zone or joint urban zone of a city having a population of not less than 200,000, it shall only be necessary to submit the plan of survey and subdivision to the council of such city and to the council of the municipality in which the tract of land is situate, and the provisions of clauses *c*, *d* and *e* of subsection 1 shall apply. 1929, c. 61, s. 3.

Matters to  
be consider-  
ed by the  
council or  
Board.

**7.** In the consideration of such plan by the council of any municipality or by the Board, regard shall be had to the following matters,—

- (a) where the land is situate in a city, town or village,—
  - (i) the number and width of the highways;
  - (ii) the size and form of the lots;
  - (iii) making the subdivision conform, as far as practicable, to any general plan adopted as aforesaid; or where no such general plan has been adopted, making it conform as far as practicable and desirable to the plan upon which the surrounding or adjacent lands and highways have been laid out;

- (iv) what other lands, if any, are related to the land in such plan within the meaning of section 8;
- (b) where the land is situate within an urban zone,—
  - (i) the proximity of the land to any city, town or village adjoining such urban zone;
  - (ii) the probability of the limits of such city, town or village being extended so as to include it;
  - (iii) the number and width of the highways shown in said plan, and the providing of adequate driveways and thoroughfares connecting such city, town or village with the urban zone;
  - (iv) making the subdivision conform, as far as practicable, to such general plan adopted as afore-said, or if no such general plan has been adopted, making it conform, as far as practicable and desirable, to the plan on which that part of the city, town or village nearest to the land is laid out;
  - (v) the size and form of the lots;
  - (vi) what other lands, if any, are related to the land in such plan within the meaning of section 8;
- (c) where the land is situate in a city, town or village, or within an urban zone,—
  - (i) whether the land shown upon such plan is unfit, either wholly or in part, for building purposes, or is low-lying or swamp land or land which cannot be sewered or drained or which can be sewered or drained only at an excessive cost.

R.S.O. 1927, c. 236, s. 7.

**8.—(1)** Where the plan submitted is of land which is so related to other lands in the vicinity, whether owned by the same or different owners, that it is expedient that all such lands should be treated as one entire parcel for the purposes of subdivision under this Act, the owners of all such lands may be notified to attend before the council or before the Board, as the case may be, at the hearing of any application for the approval of such plan, and any agreement in writing or plan for the subdivision of such lands made or adopted by the owners of such lands, or any part of them, and approved by the councils of the municipalities concerned, or by the Board, as the case may be, shall be registered in the proper land titles office or in the registry office for the registry

Agreement among owners as to subdivision of lands or plan.

division in which such lands, or any of them, are situate, and thereafter no plan of subdivision of such lands, or of any part of them, shall be registered unless it is in accordance with such agreement or plan.

Alteration  
of agree-  
ment or  
plan.

(2) Such agreement or plan may be altered from time to time by the parties thereto or their representatives or successors in title, with the approval of the councils concerned, or of the Board, if the owners of all the lands embraced in the agreement or shown on the plan assent to such alteration.

Rights of  
mortgagees.

(3) No such agreement or plan for the subdivision of lands shall be binding upon any prior mortgagee of such lands, or of any part of them, except with the consent of such mortgagee. R.S.O. 1927, c. 236, s. 8.

Restrictions  
on sale or  
mortgage by  
metes and  
bounds of  
lands abut-  
ting on  
highway  
less than  
66 feet.

**9.**—(1) In the case of a tract of land within a city, town or village, or in an urban or joint urban zone, which has not been subdivided according to a plan approved under this Act, no part of it which abuts upon a highway of a less width than sixty-six feet, or which is situate within a distance of thirty-three feet from the centre line of any such highway, shall be severed from said tract and sold under a description by metes and bounds or otherwise without the approval of the proper municipal council or councils or of the Board, and no agreement for sale, deed of conveyance or mortgage in fee of such part of said tract shall be registered without the approval of such council or councils or of the Board; provided that this subsection shall not apply to sales or mortgages of land according to a plan of survey and subdivision registered in the proper registry or land titles office prior to the coming into force of this Act, and provided further that this subsection shall not apply in the case of a highway less than sixty-six feet in width heretofore or hereafter laid out in unorganized territory in accordance with the directions or regulations of the Department of Lands and Forests.

Powers of  
registrar or  
master of  
titles.

(2) Upon tender for registration of any agreement for sale, deed or mortgage to which the provisions of subsection 1 may apply and which has not been so approved by the proper municipal council or councils or the Board, the registrar of the proper registry division, or the proper master of titles, as the case may be, may, before registering the same, require satisfactory proof by certificate of an Ontario land surveyor, or otherwise, that no part of the lands described in such agreement, deed or mortgage abuts upon a highway of a less width than sixty-six feet or is situate within thirty-three feet of the centre line of any such highway.



(3) Upon any application for the Board's approval under this section, the Board, before disposing thereof, may require that any such tract of land or any part or parts thereof shall be surveyed and subdivided into lots, and that a plan of such survey and subdivision shall be approved under this Act and registered in accordance with *The Registry Act* or *The Land Titles Act*. Board may require survey and subdivision. Rev. Stat. cc. 170, 174.

(4) In case the only access to any such tract or any part thereof so severed, sold, conveyed or mortgaged be a public or private street, way, lane or alley, then such street, way, lane or alley shall, for the purposes of this section, be deemed a highway. When private streets to be deemed highway.

(5) The proper municipal council or councils shall, for the purposes of this section and of section 10, be the council of any city, town or village in which the lands or any part of same are situate, and in the case of lands situate in an urban zone or joint urban zone, such councils shall be the council of the municipality within which any part of such lands is situate, and also the council of every city, town or village which such urban zone or joint urban zone adjoins. Proper council to be council within meaning of Act.

(6) The provisions of clauses *c*, *d* and *e* of subsection 1 of section 6 shall *mutatis mutandis* apply to the approval of any such severance and sale, agreement for sale, deed of conveyance or mortgage in fee. R.S.O. 1927, c. 236, s. 9. Procedure.

**10.**—(1) Approval of a plan, severance, sale, agreement for sale, deed or mortgage by a municipal council or by the Board shall be indicated by a certificate to that effect upon such plan, agreement, deed or mortgage, or upon the document evidencing such severance and sale, signed by the clerk or secretary respectively, and authenticated by the seal of the municipal corporation or Board, as the case may be; any such approval by a town planning commission shall be indicated by a certificate as aforesaid signed by the chairman, and authenticated by the seal of the commission. Approval of council or Board—how given.

(2) Every person, except a registrar, master of titles or other officer when entitled by law so to do, who alters, changes or defaces any such plan, agreement, deed or mortgage or document evidencing any such severance and sale, after the same has been approved by a municipal council or town-planning commission, or by the Board, shall incur a penalty of not more than \$200 recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 236, s. 10. Penalty for alteration after approval. Rev. Stat. c. 136.

Widening  
etc. of high-  
way under  
jurisdiction  
of county  
council or  
highway  
commission.

**11.** Where any plan or agreement prepared or made under this Act provides for the widening, extension, relocation or other alteration, in whole or in part, of a highway under the jurisdiction of a county council, or highway commission, such plan or agreement shall not be adopted or approved by the council of any city, town or village, or by the Board, until such county council or highway commission, as the case may be, has had an opportunity of being heard by counsel or agent after due notice. R.S.O. 1927, c. 236, s. 11.

Approval of  
council  
required.

**12.**—(1) No highway shall be established, laid out, widened, altered, diverted, stopped up or closed in any urban zone or joint urban zone, except with the approval of the council of each municipality in which the said highway or any part of it is situated, and of the council of any city, town or village, which such urban zone or joint urban zone adjoins, or of the Board. R.S.O. 1927, c. 236, s. 12.

Consent to  
laying out  
highway.

(2) Where the highway is situate in the urban zone or joint urban zone of a city having a population of not less than 200,000, it shall only be necessary to obtain the approval of the council of such city and of the council of the municipality in which such highway is situate, or of the Board. 1930, c. 21, s. 14.

Town  
planning  
commission.

**13.**—(1) The council of a city, town or village may appoint a commission, to be known as "The Town Planning Commission of the

of  
" (city, town or village,  
*as the case may be*).

How com-  
posed.

(2) Such commission shall be a body corporate and shall consist of the head of the municipality and six persons, being ratepayers, appointed by the council.

Term of  
office of  
members.

(3) The members of such commission, except the head of the municipality, shall hold office for three years, or until their successors have been appointed; provided that on the first appointment of the members of such commission, the council shall designate two of such members who shall hold office for one year, two who shall hold office for two years, and two who shall hold office for three years.

Reappoint-  
ment.

(4) Any member of the commission shall be eligible for re-appointment.

Powers.

(5) The commission of any city, town or village, upon its appointment, shall have and exercise all the powers and discharge all the duties by this Act vested in and exercisable by the council of such city, town or village.

(6) The commission shall elect a chairman who shall pre-<sup>Chairman.</sup>side at all meetings of the commission.

(7) Four of the members of the commission present at any <sup>Quorum.</sup>meeting shall constitute a quorum.

(8) The clerk, engineer, and other officers of the city, town <sup>Duties of</sup>or village shall, at the request of the commission, do and per-<sup>municipal</sup>form all such duties under this Act, as they, or any of them, <sup>officers.</sup>would do and perform for the council of such city, town or village in the like case, if such commission had not been appointed.

(9) The commission shall, on or before the 1st day of <sup>Estimates</sup>March, submit to the council estimates of its expenditures for <sup>of expendi-</sup>the current year, and the council may cut down and reduce <sup>ture.</sup>such estimates as may be deemed proper. R.S.O. 1927, c. 236, s. 13.

**14.** The rules of practice and procedure adopted by the Board <sup>Practice</sup>shall apply to applications under this Act, and all persons and <sup>and pro-</sup>municipal corporations shall be entitled to be heard, and may <sup>cedure.</sup>be represented by council or agent at the hearing. R.S.O. 1927, c. 236, s. 14.

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## CHAPTER 271.

## The Suburban Area Development Act.

Interpreta-  
tion.

**1.** In this Act,—

“Board.”

(a) “Board” shall mean suburban service board established under the provisions of this Act;

“Municipal  
service.”

(b) “Municipal service” shall mean and include sewage and sewage disposal, opening, widening, extending, paving, repairing and maintaining of a street or highway, street railway transportation, the supplying of light, heat or water for municipal purposes or for the use of the inhabitants, fire protection and police protection;

“Urban munici-  
pality.”

(c) “Urban municipality” shall mean and include a city, town, village, or police village in which has been established a municipal service. R.S.O. 1927, c. 237, s. 1.

Township  
by-law for  
setting  
aside  
suburban  
area.

**2.** The council of a township adjacent to a city, town, village or police village in which a municipal service has been established, may by by-law set apart any part of the township lying within a distance of five miles from the boundary of the said urban municipality as a suburban area and may provide for the election of a board to be known as a suburban service board, consisting of five persons resident in the suburban area who shall be elected by the municipal electors within the suburban area in the same manner as nearly as may be as the members of a municipal council. R.S.O. 1927, c. 237, s. 2.

Annual  
election  
of board.

**3.** The members of the board shall be elected annually at the same time as the members of the township council. R.S.O. 1927, c. 237, s. 3.

Meetings  
of board.

**4.** The board shall hold its first meeting at such time and place as shall be fixed by the by-law and shall be organized by the election of a chairman from among the members of the board and the appointment of a secretary of the board who may be one of the members thereof. R.S.O. 1927, c. 237, s. 4.



**5.** The municipal corporation of the urban municipality and the board may enter into agreements from time to time,—

Agreements  
between  
municipal  
corporation  
and board.

- (a) for the extension or supply to the suburban area or to any part thereof of any municipal service in the urban municipality;
- (b) prescribing the terms upon such municipal service shall be extended or supplied and the amount of any payments to be made therefor, and the times of payment, and the rates, if any, to be chargeable to the users of any such municipal service in the suburban area;
- (c) for the settlement of any disputes or matters of difference which may arise with respect to the extension or supply of any such municipal service within the suburban area by the board or by any person or persons agreed upon;
- (d) for the management, control and operation of any municipal service so extended or supplied in the suburban area by the board or by a joint body composed of representatives of the board and the corporation of the urban municipality, or by any other person or commission or body of persons agreed upon by the board and the corporation of the urban municipality;
- (e) for the levying of an annual special rate within the suburban area to provide the sums necessary to meet the cost of any municipal service so extended or supplied. R.S.O. 1927, c. 237, s. 5.

**6.** The agreement shall not be acted upon or take effect until it has been submitted to and approved by order of the Ontario Municipal Board, and when so approved, any agreement made or purporting to be made under the authority of this Act shall not be open to question in any action or other proceeding in any court, and any matters of difference arising with respect to the interpretation or operation of such agreement shall be determined by the Ontario Municipal Board. R.S.O. 1927, c. 237, s. 6.

Effect of  
approval by  
Municipal  
Board of  
agreements.

**7.** Where an agreement has been entered into under the authority of this Act, the board shall annually prepare an estimate of the sums required to be raised within the suburban area to meet the payments called for under the agreement, and shall submit the same to the council of the township. R.S.O. 1927, c. 237, s. 7.

Annual  
estimates  
to be sub-  
mitted to  
township  
council.

Special  
rate to be  
levied  
annually.

**8.** The council shall cause to be levied in each and every year a special rate within the suburban area on all property liable to taxation therein to meet the sums so required, and the amount so raised shall be subject to the order of the board and shall be paid out of the treasury of the township from time to time as the board may direct, upon a requisition signed by the chairman of the board. R.S.O. 1927, c. 237, s. 8.

Extension  
or supply  
of a municip-  
al service.

Rev. Stat.  
c. 269.

**9.** Where the agreement provides for the doing of any work in connection with the extension or supply of a municipal service under the provisions of *The Local Improvement Act*, the council of the township shall pass all necessary by-laws and levy all special rates required to carry out the terms of the agreement R.S.O. 1927, c. 237, s. 9.

Approval of  
council as  
to issue of  
debentures.

**10.** Notwithstanding anything contained in this Act or in any agreement entered into under section 5, the issue of debentures and the amount of any debenture debt to be incurred for any of the purposes to which this Act relates shall at all times be in the discretion of the council of the township and the board shall not enter into any contract or bind itself in any way to the expenditure of money to be raised by the issue of debentures without the approval of the council first had and obtained. 1929, c. 62, s. 2.

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## CHAPTER 272.

## The Assessment Act.

## 1. In this Act,—

Interpre-  
tation.

- (a) "County" shall include district; R.S.O. 1927, c. 238, "County," s. 1, cl. (a).
- (b) "Corporation" shall include any incorporated or joint stock company, and any other body corporate or politic; 1936, c. 3, s. 2 (1). "Corpora-  
tion."
- (c) "County council" shall include provisional county council; "County  
council."
- (d) "County court" shall include district court; "County  
court."
- (e) "County judge" shall include district judge; R.S.O. 1927, c. 238, s. 1, cls. (b-d). "County  
judge."
- (f) "Income" shall mean the profit or gain directly or indirectly received by a corporation from its business or undertaking, and shall include interest, dividends or profits directly or indirectly received from money at interest upon any security or without security, or from stocks, or from any other investment, and also profit or gain from any other source; 1936, c. 3, s. 2 (2). "Income."
- (g) "Insurance company" shall mean any company or friendly society or other corporation transacting within Ontario any class of insurance to which *The Insurance Act* applies or may hereafter be made applicable by any general or special Act of this Legislature; "Insurance  
company."  
Rev. Stat.,  
c. 256.
- (h) "Judge of the county court" shall include a junior judge, a deputy judge and a judge authorized to sit or act for a judge of the county court; "Judge of  
the county  
court."
- (i) "Land," "real property" and "real estate" shall include: "Land."  
"Real  
property."  
"Real  
estate."
- (i) Land covered with water;
- (ii) All trees and underwood growing upon land;
- (iii) All mines, minerals, gas, oil, salt quarries and fossils in and under land;

- (iv) All buildings, or any part of any building, and all structures, machinery and fixtures erected or placed upon, in, over, under, or affixed to land;
- (v) All structures and fixtures erected or placed upon, in, over, under, or affixed to any highway, lane, or other public communication or water; but not the rolling stock of any railway, electric railway, tramway or street railway;
- (j) "Last revised assessment roll" shall mean the last revised assessment roll of a municipality, and an assessment roll shall be deemed to be finally revised and corrected when it has been so revised and corrected by the court of revision, or by a judge of the county court on appeal as by this Act provided, or when the time within which appeal may be made has elapsed;
- (k) "Loan company" shall mean a loan corporation within the meaning of *The Loan and Trust Corporations Act*;
- (l) "Municipality" shall mean and include a city, town, incorporated village or township, but not a county;
- (m) "Person" shall include any partnership, any body corporate or politic, any agent or trustee, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law; R.S.O. 1927, c. 238, s. 1, cls. (f-l).
- (n) "Telephone company" shall include any person or association of persons owning, controlling or operating a telephone system or line, but not a municipal corporation; R.S.O. 1927, c. 238, s. 1, cl. (m); 1934, c. 1, s. 2.
- (o) "Tenant" shall include occupant and the person in possession other than the owner;
- (p) "Town" and "village" shall mean respectively incorporated town and village;
- (q) "Township" shall include a union of townships;
- (r) "Trust company" shall mean a trust company within the meaning of *The Loan and Trust Corporations Act*;
- (s) "Voters' list" shall mean the alphabetical list referred to in *The Voters' Lists Act*. R.S.O. 1927, c. 238, s. 1, cls. (n-r).

"Last revised assessment roll."

"Loan company,"  
Rev. Stat.,  
c. 257.

"Municipality."

"Person."

"Telephone company."

"Township."

"Town,"  
"Village."

"Township."

"Trust company,"  
Rev. Stat.,  
c. 257.

"Voters' list,"  
Rev. Stat.,  
c. 7.



**2.** All municipal, local or direct taxes or rates shall where no other express provision is made be levied upon the whole of the assessment for real property, income and business or other assessments made under this Act, according to the amounts assessed in respect thereof, and not upon any one or more kinds of property or assessment or in different proportions. R.S.O. 1927, c. 238, s. 2.

All taxes to be levied equally upon all assessments.

**3.**—(1) Subject to the provisions of subsection 2, wherever in *The Municipal Act*, or in any other general or special Act of this Legislature or in any by-law passed under any such Act, the yearly rates or any special rate are expressly or in effect directed or authorized to be levied upon all the rateable property of a municipality for municipal or school purposes, such rates shall be calculated at so much in the dollar upon the total assessment of the municipality and shall be calculated and levied upon the whole of the assessment for real property, income and business or other assessment made under this Act. 1934, c. 1, s. 3, *part*; 1936, c. 3, s. 3.

Rateable property, what to include. Rev. Stat., c. 266.

(2) The council of any municipality in the County of York adjacent to or lying within ten miles of a city having a population of not less than 500,000 may in any by-law passed under the provisions of section 123 provide that the yearly rate to be levied upon taxable income shall not exceed the rate mentioned in subsection 3 and that the proceeds of such rate shall be apportioned to the several purposes for which the yearly rates are levied in accordance with the apportionment to such purposes of the yearly rates upon real property.

Municipalities in proximity to cities of 500,000 population.

(3) The rate mentioned in subsection 2 shall be a fixed rate of thirty-five mills in the dollar except where there is a difference between the rate levied upon real property for public school purposes and the rate levied upon real property for separate school purposes and where there is such a difference there shall be the same difference in the rate to be levied upon income or assessment for income against supporters of public schools and supporters of separate schools under the authority of this section, the lesser rate being thirty-five mills in the dollar and the greater rate being a rate exceeding thirty-five mills in the dollar by the amount of such difference. 1934, c. 1, s. 3, *part*.

Fixed income tax rate.

**4.** All real property in Ontario and all income derived, whether within or out of Ontario, by any corporation, or received in Ontario on behalf of any corporation, shall be liable to taxation, subject to the following exemptions: 1936, c. 3, s. 4 (1).

Taxable property and exemptions.

Interest of  
the Crown  
in any  
property.

1. The interest of the Crown in any property, including property held by any person in trust for the Crown, or in trust for any tribe or body of Indians, but, in the latter case, not if occupied by any person who is not a member of a tribe or body of Indians. R.S.O. 1927, c. 238, s. 4, par. 1; 1933, c. 2, s. 1.

Churches,  
etc.

2. Every place of worship and land used in connection therewith and every churchyard, cemetery or burying ground.

When  
exemption  
not to  
apply.

(a) Where land is acquired for the purpose of a cemetery or burying ground but is not immediately required for such purpose it shall not be entitled to exemption from taxation under this paragraph until it has been enclosed and actually and *bona fide* required, used and occupied for the interment of the dead.

Public  
educational  
institutions.

3. The buildings and grounds of and attached to or otherwise *bona fide* used in connection with and for the purposes of a university, high school, public or separate school, whether vested in a trustee or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, but not if otherwise occupied. R.S.O. 1927, c. 238, s. 4, pars. 2, 3.

Philan-  
thropic or  
religious  
seminaries.

4. The buildings and grounds of and attached to, or otherwise *bona fide* used in connection with and for the purposes of a seminary of learning maintained for philanthropic or religious purposes, the whole profits from which are devoted or applied to such purposes, but such grounds and buildings shall be exempt only while actually used and occupied by such seminary.

Educational  
seminaries.

5. The buildings and grounds not exceeding in the whole fifty acres of and attached to, or otherwise *bona fide*, used in connection with and for the purposes of a seminary of learning maintained for educational purposes, the whole profits from which are devoted or applied to such purposes, but such grounds and buildings shall be exempt only while actually used and occupied by such seminary, and such exemption shall not extend to include any part of the lands of such a seminary which are used for farming or agricultural pursuits and are worked on shares with any other person, or if the annual or other crops, or any part thereof, from such lands are sold. 1936, c. 3, s. 4 (2).

City and  
town halls,  
etc.  
Rev. Stat.,  
c. 390.

6. Every city or town hall, and every court house, gaol, lock-up and public hospital receiving aid under *The Public Hospitals Act*, with the land attached thereto but not land of a public hospital when occupied by any person as tenant or lessee.

- (a) Land owned and used by such a public hospital for farming purposes shall be deemed attached to the hospital within the meaning of this paragraph notwithstanding that it is separated therefrom by a highway.

7. Every highway, lane or other public communication and Highways, etc.  
every public square.

8. Except as provided in sections 46 and 47, the property Municipal property.  
belonging to or leased by any county or municipality or vested in or controlled by any public commission wherever situate and whether occupied for the purposes thereof or unoccupied; but not when occupied by a tenant or lessee.

9. The property belonging to any municipality, and in use Public parks.  
as a public park, whether situate within the municipality or in an adjacent municipality.

10. Every industrial farm, house of industry, house of Industrial farm, house of refuge, etc.  
refuge, institution for the care of children, and every boys' and girls' or infants' home or other charitable institution conducted on philanthropic principles and not for the purpose of profit or gain, and every house belonging to a company for the reformation of offenders, and the land belonging to or connected with the same; but not when occupied by a tenant or lessee. When property of charitable institution to be exempt.

11. The property of any children's aid society incorporated Children's aid societies. Rev. Stat., c. 312.  
under *The Children's Protection Act*, whether held in the name of the society or in the name of a trustee or otherwise, if used exclusively for the purposes of and in connection with the society.

12. The income from the surplus funds of a registered Income of friendly societies.  
friendly society or the income arising from any gift or bequest to any charitable institution conducted on philanthropic principles and not for the purpose of profit or gain or to a public hospital receiving aid under *The Public Hospitals Act*. Rev. Stat., c. 390.

13. The property of every public library and other public Scientific or literary institutions, etc.  
institution, literary or scientific, and of every agricultural or horticultural society or association, to the extent of the actual occupation of such property for the purposes of the institution or society.

14. Land acquired by any society or association by reason Battle sites.  
of its being the site of any battle fought in any war, and maintained, preserved and kept open to the public in order to promote the spirit of patriotism.

Exhibition  
buildings of  
companies.

15. The land of every company formed for the erection of exhibition buildings to the extent to which the council of the municipality in which such land is situate consents that it shall be exempt. R.S.O. 1927, c. 238, s. 4, pars. 5-14.

Income from  
farm.

16. The income of a corporation derived from its farm. 1936, c. 3, s. 4 (4).

Machinery.

17. All fixed machinery used for manufacturing or farming purposes, including the foundations on which the same rests; but not fixed machinery used, intended or required for the production or supply of motive power including boilers and engines, gas, electric and other motors, nor machinery owned, operated or used by a railway company or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge, tramway or street railway, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power, or other service. R.S.O. 1927, c. 238, s. 4, par. 19.

Income from  
stock in  
companies.

18. The dividends or income from stock held by any person in an incorporated company, the income of which is liable to assessment in Ontario, but this paragraph shall not apply to exempt such dividends or income from stock in an incorporated company by reason of the assessment or taxation of the income of such company under *The Corporations Tax Act*. R.S.O. 1927, c. 238, s. 4, par. 20; 1934, c. 1, s. 4 (1).

Rev. Stat.,  
c. 29.

Income from  
any source.

19. The annual income of a corporation derived from any source to the amount of \$1,500. 1936, c. 3, s. 4 (5).

Income  
taxable  
under Rev.  
Stat., c. 25.

20. Income of any person or personal corporation subject to income tax under the provisions of *The Income Tax Act*, (Ontario). 1936, c. 3, s. 4 (6).

Rental of  
real estate,  
etc.

21. Rent or other income derived from real estate in Ontario except interest on mortgages. R.S.O. 1927, c. 238, s. 4, par. 24.

"Wood-  
lands."

22. Any part of a farm used for forestry purposes or being "woodlands"; provided that such exemption shall not be greater than one acre in ten acres of such farm and not more than twenty acres held under a single ownership.

(a) "Woodlands" for the purposes of this paragraph shall mean lands having not less than four hundred trees per acre of all sizes, or three hundred trees, measuring over two inches in diameter, or two hundred,



measuring over five inches in diameter, or one hundred, measuring over eight inches in diameter (all such measurements to be taken at four and one-half feet from the ground) of one or more of the following kinds: White or Norway pine, white or Norway spruce, hemlock, tamarac, oak, ash, elm, hickory, basswood, tulip (white wood), black cherry, walnut, butternut, chestnut, hard maple, soft maple, cedar, sycamore, beech, black locust, or catalpa, or any other variety which may be designated by Order-in-Council, and which said lands have been set apart by the owner with the object chiefly, but not necessarily solely, of fostering the growth of the trees thereon and which are not used for grazing livestock. R.S.O. 1927, c. 238, s. 4, par. 25; 1934, c. 1, s. 4 (3).

23. The buildings and other structures erected or placed upon the lands of a corporation which occupies the same for the purposes of carrying on a cold storage plant, if such corporation is or has been aided by way of loan or grant by the Governments of Canada and Ontario, or either of them; provided that such exemption shall not apply to the land upon which such buildings or structures are erected or placed except to the extent the same may be exempted under the provisions of section 405 of *The Municipal Act*. 1935, c. 3, s. 2.

Buildings of cold storage plant.

Rev. Stat., c. 266.

5. Notwithstanding any of the provisions of *The Municipal Act*, or of this Act, or of any other general or special Act, no taxation for any of the purposes mentioned in any of the said Acts shall be assessed or levied upon the income of any person or personal corporation which by the provisions of *The Income Tax Act* (Ontario) is liable to taxation under that Act, or upon the income of any partnership the income of which is taxable in the hands of the individual members of such partnership as provided in *The Income Tax Act* (Ontario). 1936, c. 40, s. 7 (1).

Incomes taxed by the Province not to be taxed by municipality.

Rev. Stat., cc. 266, 25.

6. The exemptions provided for by section 4 shall be subject to the provisions of *The Local Improvement Act* as to the assessment for local improvements of land, which would otherwise be exempt from such assessment under that section. R.S.O. 1927, c. 238, s. 5.

Assessment for local improvements.

Rev. Stat., c. 269.

7.—(1) Whenever a transfer is made of any land theretofore exempt from taxation under section 4 to some person not thereafter entitled to such exemption, or whenever land used for some purpose which would entitle it to exemption under that section ceases to be so used, or whenever the period for

Assessment of land after transfer or cesser of exemption.

which any land is declared to be exempt from taxation under any statute or by-law expires, such land shall immediately be liable for so much of the taxes as it would have been liable for thereafter, if it had not been exempt.

Special  
provision  
where  
assessment  
roll  
completed.

(2) If the assessment for such municipality or the ward or part thereof where such land is situate has been completed before such transfer, cesser of user or expiration of exemption, or so far completed that the same cannot be assessed in the usual manner, the assessor or assessment commissioner shall assess the land as though the assessment were not completed, and the person assessed therefor shall have the right to appeal against such assessment within four days after receiving notice thereof, and if he appeals therefrom, all the provisions of this Act as to appeals to or from the court of revision shall apply, and thereafter such person shall be liable for the taxes thereon at the rate fixed for such year as though his name and the description of the land and the value thereof and other particulars were inserted in the usual way.

Not to apply  
after rate of  
taxation for  
year fixed.

(3) This section shall not apply to enable any taxes for the current year to be collected upon any such land after the by-law fixing the rate of taxation for such year has been passed. R.S.O. 1927, c. 238, s. 8.

Business  
assessment.

8.—(1) Irrespective of any assessment of land under this Act, every person occupying or using land for the purpose of any business mentioned or described in this section shall be assessed for a sum to be called "business assessment" to be computed by reference to the assessed value of the land so occupied or used by him, as follows:

- (a) Every person carrying on the business of a distiller for a sum equal to one hundred and fifty per centum of the assessed value of the land occupied or used by him for such business exclusive of any portion of such land occupied or used by him for the distilling of alcohol solely and only for industrial purposes and for a sum equal to sixty per centum of the assessed value as to such last mentioned portion.
- (b) Every person carrying on the business of a brewer for a sum equal to seventy-five per centum of the assessed value of the land occupied or used by him for such business exclusive of any portion of such land occupied and used by him as a malting house and for a sum equal to sixty per centum of the assessed value as to such last mentioned portion.

- (c) Every person carrying on the business of a wholesale merchant, of an insurance company, a loan company or a trust company, as defined by this Act, or of an express company carrying on business on or in connection with a railway or steamboats or sailing or other vessels or of a land company, or of a loaning land corporation, or of a bank or a banker, or of any other financial business for a sum equal to seventy-five per centum of the said assessed value. R.S.O. 1927, c. 238, s. 9 (1), cls. (a-c).
- (d) Every person carrying on the business of selling or distributing goods, wares and merchandise to a chain of more than five retail stores or shops in Ontario, directly or indirectly, owned, controlled or operated by him, for a sum equal to seventy-five per centum of the assessed value of the land occupied or used by him in such business for a distribution premises, storage or warehouse for such goods, wares and merchandise, or for an office used in connection with the said business. 1933, c. 2, s. 2.
- (e) Subject to the provisions of clause *j* every person carrying on the business of a manufacturer for a sum equal to sixty per centum of the assessed value, and a manufacturer shall not be liable to business assessment as a wholesale merchant by reason of his carrying on the business of selling by wholesale the goods of his own manufacture on such land.
- (f) Every person carrying on the business of what is known as a departmental store or of a retail merchant dealing in more than five branches of retail trade or business in the same premises or in separate departments of premises under one roof, or in connected premises, where the assessed value of the premises exceeds \$20,000 or of a retail coal or wood or lumber dealer, lithographer, printer or publisher, except the publisher of a newspaper, for a sum equal to fifty per centum of the assessed value; but in cities having a population of not less than 100,000, retail coal dealers shall be assessed for a sum equal to thirty per centum of the assessed value. R.S.O. 1927, c. 238, s. 9 (1), cls. (d, e).
- (g) Every person practising or carrying on business as a barrister, solicitor, notary public, conveyancer, physician, surgeon, oculist, aurist, medical electrician, dentist, veterinarian, civil, mining, consulting, mechanical or electrical engineer, surveyor, con-

tractor, advertising agent, private detective, employment agent, accountant, assignee, auditor, osteopath, chiropractor, massagist, architect and, subject to subsection 8, every person carrying on a financial or commercial business or any other business as agent, for a sum equal to fifty per centum of the said assessed value; but where a person belonging to any class mentioned in this clause occupies or uses land partly for the purposes of his business and partly as a residence thirty per centum of the assessed value of the land occupied or used by him shall for the purpose of the business assessment be taken to be the full assessed value of the land so occupied or used. R.S.O. 1927, c. 238, s. 9 (1), cl. (f); 1934, c. 1, s. 5.

- (h) Every person carrying on business as the publisher of a newspaper in a city, for a sum equal to thirty-five per centum and in any other municipality for a sum equal to twenty-five per centum of the assessed value.
- (i) Every person carrying on the business of a retail merchant in cities having a population of 50,000 or over for a sum equal to twenty-five per centum of the assessed value; in other cities and towns having a population of 10,000 or over for a sum equal to thirty per centum of the assessed value, and in all other municipalities for a sum equal to thirty-five per centum of the assessed value.
- (j) Every person carrying on the business of a flour miller in a mill producing on an average less than fifty barrels a day, for a sum equal to thirty-five per centum of the assessed value.
- (k) Every person carrying on the business of a photographer or of a theatre, concert hall, or skating rink, or other place of amusement, or of a boarding stable, or a livery, or the letting of vehicles or other property for hire, or of a restaurant, eating house, or other house of public entertainment, or of a hotel or any business not before in this section or in clause *l* specially mentioned, for a sum equal to twenty-five per centum of the assessed value.
- (l) Every person carrying on the business of a telegraph or telephone company, or of an electric railway, other than an electric railway owner or operated by or for a municipal corporation, tramway, street railway or incline railway, or of the transmission of oil or water,



or of steam, heat, gas, or electricity for the purposes of light, heat, or power, for a sum equal to twenty-five per centum of the assessed value of the land (not being a highway, lane, or other public communication or public place or water or private right-of-way), occupied or used by such person, exclusive of the value of any machinery, plant or appliances erected or placed upon, in, over, under or affixed to such land.

(m) Every person carrying on the business of a supervised car park for a sum equal to ten per centum of the assessed value.

(i) For the purpose of this clause a supervised car park shall mean an area of unimproved land where motor vehicles are parked or stored under supervision and where a charge for such supervision is made. R.S.O. 1927, c. 238, s. 9 (1), cls. (g-l).

(2) Every proprietary or other club in which meals are furnished, whether to members or others, shall be liable to a business assessment for a sum equal to twenty-five per centum of the assessed value of the land occupied or used for the purposes of the club. Clubs

(3) Subject to the provisions of subsections 4 and 5, no person shall be assessed in respect of the same premises under more than one of the clauses of subsection 1, and where any person carries on more than one of the kinds of business mentioned in that subsection on the same premises, he shall be assessed by reference to the assessed value of the whole of the premises under that one of those clauses in which is included the kind of business which is the chief or preponderating business of those so carried on by him in or upon such premises. Persons carrying on more than one class of business.

(4) Where a manufacturer also carries on the business of a retail merchant he shall be assessed as a retail merchant in respect of any premises or of any portion of any premises which are occupied and used by him solely and only for the purpose of such business. Retailing by manufacturer.

(5) Where a person carrying on the business of a public garage as defined by paragraph 14 of section 420 of *The Municipal Act*, also carries on the business of a supervised car park, he shall be assessed as a person carrying on the business of a supervised car park in respect of any premises or of any portion of the premises which are occupied and used by him solely and only for the purpose of such business. Garage business and supervised car park, Rev. Stat., c. 266.

Minimum  
assessment.

(6) Where the amount of the assessment of any person assessable under this section would under the foregoing provisions be less than \$250, he shall be assessed for the sum of \$100.

Where land  
used partly  
for business  
and partly  
for  
residence.

(7) Where any person mentioned in subsection 1 occupies or uses land partly for the purpose of his business and partly for the purpose of a residence he shall be assessed in respect of the part occupied for the purpose of his business only; but this provision shall not apply to persons assessed under clause *g* of subsection 1.

Operation of  
steamboats,  
etc.

(8) A financial or commercial business shall not include a business carried on by operating steamboats, sailing or other vessels, tow barges or tugs; nor the business of a steam railway.

Farmers,  
market  
gardeners  
and  
nurserymen.

(9) No person occupying or using land as a farm, market garden or nursery shall be liable to business assessment in respect of such land.

Case of  
insurance  
premiums  
and lodge  
of friendly  
society.

(10) The premiums or assessments of an insurance company shall not be assessable, nor shall any subordinate lodge of any registered friendly society or any officer thereof in respect of any business of such subordinate lodge be liable to any business assessment.

Tax not a  
charge on  
land.

(11) Every person assessed for business assessment shall be liable for the payment of the tax thereon and the same shall not constitute a charge upon the land occupied or used.

Effect of  
general  
words.

(12) Wherever in this section general words are used for the purpose of including any business which is not expressly mentioned, such general words shall be construed as including any business not expressly mentioned, whether or not such business is of the same kind as or of a different kind from those expressly mentioned. R.S.O. 1927, c. 238, s. 9 (2-12).

### *Taxation on Income Directly.*

Income  
assessment  
of corpora-  
tions.

**9.—**(1) Subject to the exemptions provided for in sections 4 and 8,—

- (a) every corporation not liable to business assessment under section 8 shall be assessed in respect of income;
- (b) every corporation although liable to business assessment under section 8 shall also be assessed in respect of any income not derived from the business in respect of which it is assessable under that section. 1936, c. 3, s. 6.

(2) The income to be assessed shall be the income received during the year ending on the 31st day of December then last past. R.S.O. 1927, c. 238, s. 10 (2); 1929, c. 63, s. 1. Assessment of income, how fixed.

**10.** Subject to subsection 6 of section 39 the income of a partnership, or of an incorporated company, if assessable, shall be assessed against the partners at their chief place of business, and against the company at its head office, or if the company has no head office in Ontario, at its chief place of business in the municipality. R.S.O. 1927, c. 238, s. 11 (2). Partnerships.

**11.** Where a person resident outside of Ontario invests money in Ontario or through an agent or trustee resident in Ontario, or creates a trust or agency fund in Ontario, or dies leaving an estate in Ontario, and income from such money, fund or estate is payable to any person resident out of Ontario, the income so payable shall not be assessed, and where such income is not distributable annually but accumulated by an executor, administrator, trustee or agent for the benefit of a person not resident in Ontario, the income so accumulated shall not be assessed. 1930, c. 46, s. 3 (1), *part.* Exemption of income payable to non-residents.

*Telegraph and Telephone Companies.*

**12.**—(1) Every telephone company carrying on business in a city, town, village, or police village, in addition to any other assessment to which it may be liable under this Act, shall be assessed for sixty per centum of the amount of the gross receipts from all telephone and other equipment belonging to the company located within the municipal limits of the city, town, village or police village, for the year ending on the 31st day of December next preceding the assessment; but in cities having a population of not less than 100,000 such company shall be assessed for seventy-five per centum of such gross receipts. Assessment of telephone companies, on income in cities, towns, villages and police villages.

(2) To remove doubts it is hereby declared that the receipts of a telephone company from long distance business or calls in a municipality or police village are and always have been liable to assessment under the provisions of subsection 1 in such municipality or police village. R.S.O. 1927, c. 238, s. 14 (1, 2). Assessment of receipts from long distance business.

(3) Every telephone company shall be assessed in every township for one ground circuit (being a single wire for carrying a message), or metallic circuit (being two wires for carrying a message), as the case may be, placed or strung on the poles or other structures or in conduits operated or used by the company, and the poles, structures, or conduits used in connection therewith in the township and in use on the Assessment of telephone companies, on mileage in townships.

31st day of December next preceding the assessment at the rate of \$135 per mile and if any line of poles or other structures or conduits carries more than one ground circuit or metallic circuit at the rate of \$7.50 per mile for each additional ground circuit or metallic circuit, as the case may be, placed or strung on the 31st day of December next preceding the assessment. R.S.O. 1927, c. 238, s. 14 (3); 1930, c. 46, s. 2 (1).

Assessment of circuits of local telephone systems.

(4) Where a telephone company does not operate generally throughout Ontario and is not authorized by statute to carry on business throughout Ontario, the circuits placed or strung on poles or other structures or conduits operated or used by the company and the poles, structures or conduits used in connection therewith within any township shall be assessed at their actual value, but not exceeding in the whole the rates per mile prescribed by this section except that where the first circuit placed or strung on any poles or other structures of the company and included in the computation of the assessor consists of iron wire such value shall not exceed \$50 per mile.

Computation of length of circuits.

(5) In the computation of the length of such telephone circuits in a township the circuits placed or strung within a police village and every circuit placed or strung on poles or other structures or in conduits, and the poles, structures or conduits used in connection therewith, which does not exceed twenty-five miles in length and which is not used as a connecting circuit between two or more central exchange switchboards, shall not be included. 1930, c. 46, s. 2 (2).

Telegraph companies.

Assessment on income in cities, towns, villages and police villages.

(6) Every telegraph company carrying on business in a city, town, village or police village shall in addition to any other assessment to which it may be liable under this Act be assessed for fifty per centum of the amount of the gross receipts belonging to the company in such city, town, village or police village from the business of the company for the year ending on the 31st day of December next preceding the assessment.

Assessment on mileage in townships.

(7) In every township there shall be assessed against every such telegraph company a sum equal to \$40 for every mile of the length of one wire placed or strung on the poles or other structures or in conduits operated or used by the company in the township and in use on the 31st day of December next preceding the assessment and a sum equal to \$5 per mile for each additional wire so placed or strung on the 31st day of December next preceding the assessment.

Telegraph and telephone plant of railways.

(8) The telephone and telegraph plant, poles and wires of a steam railway company which are used exclusively in the running of trains or for any other purposes of a steam railway



and not for commercial purposes shall be exempt from assessment; but each of such wires when used for commercial purposes shall be assessed at \$5 per mile in the manner hereinbefore mentioned.

(9) In the computation of the length of telegraph wires and additional wires for assessment in a township the wires placed or strung within the area of any police village and the wires of all branch and loop lines which do not exceed twenty-five miles in length shall not be included. Wires in police villages and branch and loop lines excluded.

(10) In the measurement of such additional wires, the length of every telegraph wire and every telephone wire forming a ground circuit or pair of telephone wires forming a metallic circuit, as the case may be, placed or strung in cables or other combinations, and used or capable of being used as an independent means of conveying messages shall be computed. What to be measured as separate wires.

(11) Every company assessed as provided in this section shall, in townships, be exempt from assessment in any other manner or on any other property for municipal purposes, and shall, in cities, towns, villages and police villages be exempt from assessment in respect of all plant, appliances and machinery wherever situate and in respect of all structures placed on, over, under, or affixed to any highway, lane or other public communication, public place or water. Exemption from other assessments.

(12) Where the poles, structures, conduits or wires of a telegraph or telephone company are placed on a boundary line between two townships or so near thereto that they are in some places on one side and in other places on the other side of the boundary line or are placed on a road which lies between two townships, although it may deviate so as in some places to be wholly or partly within either of them, the company shall be assessed in each township for one-half of the amount assessable against it under subsection 3, 4, 7 or 8, as the case may be, in both the townships taken together. R.S.O. 1927, c. 238, s. 14 (6-12). Poles and wires on township boundaries.

(13) Notwithstanding the provisions of subsection 11, the assessment of a telephone company or telegraph company under this section shall be deemed to be real property assessment and not income assessment, and the taxes payable by any such company shall be a lien upon all the lands of the company in the municipality. 1936, c. 3, s. 9. Real property assessment.

**13.**—(1) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of March in each year transmit to the Provincial Secretary a statement in writing showing,— Returns by telegraph and telephone companies.

- (a) the gross receipts of the company in Ontario and the gross receipts of the company in each city, town, village and police village, from its business for the year ending on the 31st day of December then last past;
- (b) the length in miles of one wire or of a pair of wires placed or strung on all the poles or other structures or in conduits operated or used by the company in each township;
- (c) the number of miles in length of one wire or of one pair of wires, as the case may be, operated or used by the company in each township, including in the measurement the length in each township of every wire or pair of wires, as the case may be, placed or strung in cables or other combinations, and used or capable of being used as an independent means of conveying messages; and

transmit to the assessment commissioner, or if there is no assessment commissioner, to the clerk of every city, town and village and to the clerk of the township in the case of a police village in which the company does business, a statement in writing of the amount of the gross receipts of the company in such city, town, village or police village for the year ending on the 31st day of December then last past.

Verifying  
statement.

(2) Every such statement shall be signed by or on behalf of the company and shall be verified in the same manner as assessment returns are required by section 18 to be verified. R.S.O. 1927, c. 238, s. 15.

#### *Easements and Land Used as Lanes.*

Assessment  
of  
easements.

**14.**—(1) Where an easement is appurtenant to any land it shall be assessed in connection with and as part of such land at the added value it gives to such land as the dominant tenement, and the assessment of the land which as the servient tenement, is subject to the easement shall be reduced accordingly.

Lanes used  
as right-of-  
way.

(2) Where land is laid out and used as a lane and is subject to such rights-of-way as prevent any beneficial use of it by the owner it shall not be assessed separately, but its value shall be apportioned among the various parcels to which the right-of-way is appurtenant and shall be included in the assessment of such parcels. In such cases the assessor shall return the land so used as "Lane not assessed."

(3) Where a dominant tenement is sold for arrears of taxes the easements appurtenant thereto shall pass to the purchaser and where a servient tenement is sold for arrears of taxes the sale shall not affect any easement to which it is subject.

Sale for taxes of dominant and servient tenement.

(4) A restrictive covenant running with the land shall be deemed to be an easement within the meaning of this section. 1930, c. 46, s. 4.

Restrictive covenant.

**15.**—(1) Where land sold for arrears of taxes was a dominant tenement at the time of sale and was so sold after the 3rd day of April, 1930, the easements appurtenant thereto shall be deemed to have passed to the purchaser.

Provision as to easements attaching to dominant tenement.

(2) Where land sold for arrears of taxes was a servient tenement at the time of sale and was so sold after the 3rd day of April, 1930, the easements to which such land was subject shall not be affected by the sale.

Provision as to easements affecting servient tenement.

(3) For the purposes of this section, a restrictive covenant running with the land shall be deemed to be an easement. 1936, c. 60, s. 3.

Restrictive covenant.

(4) Nothing in this section contained shall in any way affect or defeat the Crown in respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered. 1936, c. 60, s. 6.

Savings as to rights of Crown.

#### *Assessment Returns by Taxpayers.*

**16.** Every person shall give all necessary information to the assessors, if required by them, for the purpose of enabling them to properly assess him. R.S.O. 1927, c. 238, s. 16.

Information to assessors generally.

**17.**—(1) Any assessor requiring information from any person pursuant to section 16, shall cause to be delivered or mailed to the address of such person a notice, (Form 1), accompanied by such blank forms of the assessment return to be made by such person as may be necessary, and such person shall, within ten days thereafter, enter in the forms all the particulars required by the notice, in the proper blanks and columns, and deliver or mail such return to the assessor. R.S.O. 1927, c. 238, s. 18 (1).

Requisitions by assessor for information.

(2) The return to be made by a corporation as to income shall be in the form prescribed by the Lieutenant-Governor in Council and such form shall be published in the *Ontario Gazette*. R.S.O. 1927, c. 238, s. 18 (2); 1936, c. 3, s. 11.

Income returns.

Verifying  
statement.

(3) Before delivering or mailing the return to the assessor it shall be signed by or on behalf of such person, and shall be verified by an affidavit as in Form 1, attached thereto.

Affidavit,  
how made.

(4) Such affidavit may be made before the assessor or as provided in section 233. R.S.O. 1927, c. 238, s. 18 (3, 4).

Returns by  
corporations  
as to share-  
holders.

**18.**—(1) Every corporation whose dividends are liable to taxation against the shareholders as income, which has received a notice from any assessor or assessment commissioner requiring it to do so, shall within thirty days thereafter deliver or mail to such assessor or assessment commissioner a statement, in writing, setting forth the names and addresses of all shareholders which are corporations having their head offices or, having no head office in Ontario, have their chief places of business in the municipality for which he is appointed or who ought to be assessed for their income therein, the amount of stock held by every such shareholder, as of the 31st day of December next preceding, and the amount of dividends and bonuses paid to each during the twelve months next preceding.

"Dividends."

(a) "Dividends" in this subsection shall include interest on bonds, debentures or other securities. R.S.O. 1927, c. 238, s. 19 (1); 1936, c. 3, s. 12.

Delivery of  
notice.

(2) The notice shall be addressed to the corporation and delivered or mailed by registered post to the head office of the corporation in Ontario or to any branch or agency of such corporation in Ontario, or be left at the principal office or the office of the manager, cashier or other chief officer of the corporation, and the notice shall be deemed to have been received when it was so delivered, mailed or left.

Verifying  
statement.

(3) Every such statement shall be verified by an affidavit as in Form 1, attached thereto, made by some officer of the corporation having a knowledge of the facts. R.S.O. 1927, c. 238, s. 19 (2, 3).

Declaration  
as to  
income.

**19.**—(1) Every corporation in receipt of an income liable to assessment shall within the time fixed by by-law of the council forward to the assessment commissioner a statutory declaration according to the form referred to in subsection 2 of section 17, showing the income received during the year ending on the 31st day of December then last past; provided, however, that this section shall not apply to corporations who have made a return to the assessor upon request as provided by section 17. R.S.O. 1927, c. 238, s. 20 (1); 1929, c. 63, s. 3; 1936, c. 3, s. 13.



(2) The council may by the said by-law fix a different date for each ward for the filing of such declarations.

Filing in  
different  
wards.

(3) Such declarations may be made before the assessor or as provided in section 233. R.S.O. 1927, c. 238, s. 20 (2, 3).

Declaration,  
how made.

**20.** Every agent, trustee, executor or person who collects or receives, or is in any way in possession or control of income for or on behalf of a corporation liable to income assessment shall, upon receipt of a notice from the assessor or assessment commissioner within ten days thereafter deliver or mail to the assessor or assessment commissioner a statement in writing setting forth the names and addresses of all such corporations which ought to be assessed for their income therein, together with the amount of income paid during the year ending on the 31st day of December then last past. R.S.O. 1927, c. 238, s. 21; 1936, c. 3, s. 14 (1).

Agents, etc.,  
of corpora-  
tions liable  
to income  
assessment  
to forward  
statement  
of income  
of their  
principals.

**21.—**(1) The assessor shall not be bound by any statement delivered under sections 16 to 20, nor shall the same excuse him from making due inquiry to ascertain its correctness, and, notwithstanding any such statement, the assessor may assess every person for such amount as he believes to be just and correct, and may omit his name or any land which he claims to own or occupy, if the assessor has reason to believe that he is not entitled to be placed on the roll or to be assessed for such land.

Assessor  
not bound  
by returns.

(2) Except when examined as a witness before a court no assessor, assessment commissioner, assistant or other person employed by the corporation of the municipality shall communicate or allow to be communicated to any person except to the solicitor of the corporation in the discharge of his duty any information obtained under the provisions of sections 16 to 20, or allow any person to inspect or have access to any written statement furnished under the provisions of sections 17 to 20 and no person other than the assessor or assessment commissioner and their assistants shall be entitled to any information respecting the assessment of any person other than as provided in section 53.

Information  
to be  
confidential.

(3) Every person who contravenes subsection 2 shall incur a penalty not exceeding \$200. R.S.O. 1927, c. 238, s. 22.

Penalty.

**22.—**(1) Every person who, having been duly required to deliver or furnish any written statement or information mentioned in sections 16 to 21, makes default in delivering or furnishing the same and any corporation which makes default in delivering the statement mentioned in section 13, shall incur a

Penalty for  
not  
furnishing  
information.

penalty not exceeding \$100 and an additional penalty of \$10 for each day during which default continues.

Penalty for  
false  
statement.

(2) Every person who knowingly states anything false in any such statement or in furnishing such information shall incur a penalty not exceeding \$200. R.S.O. 1927, c. 238, s. 23.

## DUTIES OF ASSESSORS.

### PREPARATION OF ASSESSMENT ROLLS.

Assessment  
rolls, form  
and  
contents.

**23.**—(1) Every assessor shall prepare an assessment roll in which after diligent inquiry he shall set down according to the best information to be had, the particulars hereinafter mentioned, and in doing so he shall observe the following provisions:

Names of  
persons  
assessed.

(a) He shall set down the names and surnames, in full, if the same can be ascertained, of all persons, whether they are or are not resident in the municipality, ward, or district for which he has been appointed, who are liable to assessment therein.

Amount  
assessed  
against  
them.

(b) He shall set down in the proper column opposite his name the amounts assessable against each person.

Subdivisions  
to be  
designated.

(c) Land known to be subdivided shall be designated in the roll by the numbers or other designation of the subdivisions, with reference where necessary to the plan or survey thereof, and land not subdivided into lots shall be designated by its boundaries or other intelligible description.

Description  
of part of  
lot.

(d) Where part of a lot in a city, town or village is to be assessed it shall be a sufficient description of it if the name of the owner and the tenant, if any, and the number of feet of its frontage are entered on the assessment roll, and the part assessed shall be deemed to be that part of the lot belonging to the owner whose name is so entered.

Each lot to  
be assessed.

(e) Each subdivision shall be assessed separately, and every parcel of land (whether a whole subdivision or a portion thereof, or the whole or a portion of any building thereon) in the separate occupation of any person, shall be separately assessed.

Description  
of block of  
vacant land.

(f) Where a block of vacant land subdivided into lots is owned by the same person it may be entered on the roll as so many acres of the original block or lot if

the numbers and description of the lots into which it is subdivided are also entered on the roll, and the provisions of section 140 shall apply.

- (g) Subject to the provisions of subsection 5, where land is assessed against both owner and tenant, both names shall be entered on the roll, bracketed opposite the land, and numbered on the roll. Assessment of both owner and tenant.

- (h) The assessor shall also enter on the roll bracketed with the name of the owner or tenant, the name of the husband or wife as the case may be of such owner or tenant who is entitled to be a municipal elector under the provisions of *The Municipal Act*. Entry of name of wife or husband of person rated. Rev. Stat., c. 266.

(NOTE.—*In cities the particulars required by clause h may be entered in a separate or supplementary assessment roll. See Section 24.*)

- (i) No assessment shall be made against the name of any deceased person, but when the assessor is unable to ascertain the name of the person who should be assessed in lieu of the deceased person, he may enter instead of such name, the words "Representatives of A. B., deceased" (*giving the name of such deceased person*). Deceased persons.

- (j) In assessing land of non-residents to which subsection 6 of section 36 is applicable, the assessor shall enter such land at the end of the assessment roll, separated from the other assessments and placed under the heading "Land of Non-residents," and shall fill in as far as is possible under such heading with regard to such land, the particulars mentioned in columns 1, 2, 7 to 17 inclusive, and 24. R.S.O. 1927, c. 238, s. 24 (1). Non-residents.

- (k) The assessor shall also enter on the roll as required by section 27 the name of every farmer's son, farmer's daughter and farmer's sister entitled to be entered thereon and shall also enter on the roll bracketed with the name of every farmer's son entered thereon the name of the wife of such farmer's son who is entitled to be a municipal elector under the provisions of *The Municipal Act*. 1933, c. 2, s. 3 (1). Farmer's son, daughter, etc. Rev. Stat., c. 266.

- (2) The assessor when making the annual assessment shall inquire of every resident taxable person whether there have been any births or deaths in the family within the previous twelve months, ending on the 31st day of December then last past, and the dates thereof and shall enter the number and Inquiry as to births and deaths

dates opposite the name of the person assessed, in the proper column. R.S.O. 1927, c. 238, s. 24 (2).

Further particulars.

(3) The assessor shall set down the particulars in separate columns as follows:

Column 1.—The successive number on the roll.

Column 2.—Name (surname first) and post office address and rural route mail number of taxable persons (including both the owner and tenant in regard to each parcel of land, and persons otherwise taxable) or person entitled to be entered on the roll as a farmer's son.

Column 3.—The age of every person entered on the roll.

Column 4.—Statement whether the person is a British subject or an alien by inserting opposite his name the letters "B.S." or "A." as the case may be. R.S.O. 1927, c. 238, s. 24 (3), *part*.

Column 5.—Statement whether the person is an owner or tenant by inserting opposite his name the letter "O." or "T." as the case may be, and where the person is qualified to vote at municipal elections as well as at elections for the Assembly, there shall also be entered opposite his name in that column, in capitals, the letters "L.F." meaning thereby "Legislative Franchise", and where the person is a "farmer's son," "farmer's daughter," or "farmer's sister," there shall also be similarly entered the letters "F.S.," "F.D." or "F.Sis.," and in the case of a person who is entitled to be a municipal elector by reason of being the husband or wife of the person rated or entitled to be rated for land as provided by *The Municipal Act* or by reason of being the wife of a farmer's son, or a farmer's daughter, or farmer's sister, there shall also be entered the letters "M.F.N.C.," meaning that such person is entitled to vote at municipal elections but is not to be counted for the purpose of determining representation in the county council, and all such names shall be numbered on the roll. R.S.O. 1927, c. 238, s. 24 (3), *part*; 1933, c. 2, s. 3 (2).

Rev. Stat.,  
c. 266.

(NOTE.—*In cities it is not necessary to enter on the roll the letters "M.F.N.C." as above required as the names of such persons may be entered on a separate or supplementary assessment roll. See section 24.*)

Column 6.—Occupation, and in case of women a statement whether the person is a spinster, married woman, or widow, by entering opposite name of the person the letter "S," "M," or "W," as the case may be, and in the case of a non-resident owner the letters "N.R." (NOTE.—*See as to Trustees, etc., s. 36 (II).*)



Column 7.—Number of concession, name of street, or other designation of the local division in which the land lies.

Column 8.—Number of lot, house, etc., in such division.  
(NOTE.—*See also subsection 4.*)

Column 9.—Number of acres, or other measures showing the extent of the property.

Column 10.—Number of acres cleared, including as cleared all land cleared of trees, arable or otherwise, fit for cultivation, or suitable for pasture, and in cities, towns or villages, whether vacant or built upon.

Column 11.—Number of acres of woodland.

Column 12.—Number of acres of slash land.

Column 13.—Number of acres of swamp, marsh or waste land.

Column 14.—Actual value of the parcel of real property, exclusive of the buildings thereon.

Column 15.—Value of buildings as determined under section 39.

Column 16.—Total actual value of the land.

Column 17.—Total amount of taxable land.

Column 18.—Total value of the land if liable for school rates only.

Column 19.—Total value of land exempt from taxation or liable for local improvements only.

Column 20.—Amount of business assessment under section 8. R.S.O. 1927, c. 238, s. 24 (3), *part*.

Column 21.—Amount of income taxable under sections 9 to 11. R.S.O. 1927, c. 238, s. 24 (3), *part*; 1933, c. 2, s. 3 (3).

Column 22.—Total assessment.

Column 23.—Religion.

Column 24.—School sections, and whether a public or separate school supporter, by inserting the letters "P" or "S" as the case may be.

Column 25.—Number of persons in the family of each person assessed as a resident, including such person and all other persons residing on the premises.

Column 26.—Number of days statute labour for which each person is liable.

Column 27.—Births.

Column 28.—Deaths.

Column 29.—Number of dogs and number of bitches.

Column 30.—Date of delivery of notice under section 52.

Column 31.—Remarks. R.S.O. 1927, c. 238, s. 24 (3), *part.*

When  
residence of  
person  
assessed  
to be  
entered.

(4) Opposite the name of every person entered on the assessment roll but not assessed for land the assessor shall, in columns 7 and 8 enter,—

(a) in the case of a city, town or village, the residence of such person by its number (if any) and the street or locality in which the same is situate;

(b) in the case of a township, the concession wherein and the lot or part of the lot whereon such person resides;

and in all cases any additional description as to locality or otherwise, which may be reasonably necessary to enable such residence to be ascertained and verified.

Special  
columns in  
cities and  
towns.

(5) In cities and towns the assessor may vary the form of the assessment roll so as to show in columns 1, 2, 3, 5 and 6 the name and other particulars relating to tenants (or if there is no tenant by entering in column 2 the words "vacant lot") and in an additional set of columns numbered 1a, 2a, 3a, 4a and 5a similar particulars relating to the owner or tenant if the tenant is a lessee holding under a lease extending over twenty-one or more years, and by inserting in column 4a the letter "O" or "L," as the case may require, opposite the name of the owner or lessee. R.S.O. 1927, c. 238, s. 24 (4, 5).

Variation  
of roll in  
cities and  
towns.

(6) In a city or town the form may be varied so as to give any additional information required owing to changes in the boundaries of the municipality or other like causes, or so as to allow the same to be adapted to mechanical bookkeeping methods in the preparation of the roll, and columns may be omitted which are inapplicable to a city or town. 1931, c. 51, s. 3.

Special  
provisions  
for cities.

**24.** In cities and separated towns it shall not be necessary to comply with the provisions of clause *h* of subsection 1 of section 23 or of column 5 in subsection 3 of section 23 as to the entry of the letters "M.F.N.C." but the name of every person who is entitled to be a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as above set out may be entered in a separate or supplementary assessment roll by the assessor or assistant

assessor appointed and sworn in the same manner as the assessor and all such rolls shall be verified by the assessor or assistant assessor by his affidavit or solemn affirmation according to the following form:

I (*name and residence*)  
make oath and say (*or solemnly declare and affirm*) that:

I have, according to the best of my information and belief, set down in the above separate assessment roll the name of every person who is entitled to be a municipal elector by reason of being the husband or wife of the person rated or entitled to be rated for land as provided by *The Municipal Act*.

R.S.O. 1927, c. 238, s. 25.

**25.** The provisions of clause *j* of subsection 1 of section 23 shall not apply to the Townships of York, Scarborough, and Etobicoke, in the County of York, or to the Township of Barton in the County of Wentworth, but the assessor shall assess in the manner provided by subsection 5 of section 36, the unoccupied land of non-residents who have not given notice to the clerk under subsection 6 of section 36. R.S.O. 1927, c. 238, s. 26.

Special provisions as to certain townships.

**26.**—(1) Notwithstanding anything in this Act, in a municipality composed of more than one township, the assessor when he finds it difficult for any reason to comply with the provisions of this Act requiring a separate assessment of each lot or subdivision thereof, may assess the land of any person *en bloc* and for a lump sum or at so much per acre, without placing a separate valuation upon each lot or subdivision thereof, and without distributing the assessment in any way or entering any other details in the assessment roll or observing any of the formalities in relation to the assessment roll, prescribed by this Act.

Assessment of lands *en bloc*.

(2) Where any part of such land is to the knowledge of the assessor occupied by any person as tenant, he shall enter the name of such person on the roll and make a separate assessment of the land so occupied, but failure to enter such tenant on the roll or to assess the lands occupied by him shall not render invalid any assessment *en bloc* and for a lump sum or at so much per acre as provided by subsection 1. R.S.O. 1927, c. 238, s. 27.

Entering tenant on roll.

**27.**—(1) In this section,—

- (a) "Farm" shall mean not less than twenty acres of land in the actual occupation of the owner of it;
- (b) "Father" shall include stepfather;
- (c) "Mother" shall include stepmother;

Interpretation.

- (d) "Owner" shall mean a person who is owner in his or her own right, or a person whose wife is owner in her own right, of any estate for life or any greater estate legal or equitable, or of a leasehold estate, the term of which is not less than five years, except where the person is a widow and in that case "owner" shall mean "owner in her own right" of such an estate;
- (e) "Son," "sons," "farmer's son" and "farmers' sons" shall mean son or sons, step-son or step-sons of the full age of twenty-one years not otherwise entitled to be entered on the voters' list; R.S.O. 1927, c. 238, s. 28 (1).
- (f) "Daughter," "daughters," "farmer's daughter" and "farmers' daughters" shall mean daughter or daughters, step-daughter or step-daughters of the full age of twenty-one years not otherwise entitled to be entered on the voters' list; 1931, c. 51, s. 4 (1).
- (g) "Farmer's sister" shall mean a sister of the full age of twenty-one years, not otherwise entitled to be entered on the voters' list, who is the sister of the owner of a farm who is unmarried or is a widower, and has resided on the farm with such owner for the twelve months next preceding and is residing thereon at the date fixed for beginning to make the assessment roll. 1933, c. 2, s. 4 (1).

Farmer's  
sons and  
daughters.

(2) Subject to the provisions of the following subsections, where a father or mother is the owner of a farm, his or her sons and daughters who have resided on the farm for the twelve months next preceding and are residing thereon at the date fixed for beginning to make the assessment roll shall have the same right to be entered on the roll as if they were jointly assessed for the farm with the father or mother, but they shall be entered on the roll as farmers' sons, or farmers' daughters, as the case may be. R.S.O. 1927, c. 238, s. 28 (2); 1931, c. 51, s. 4 (2).

When son or  
daughter  
not entitled  
to be  
entered.

(3) Where the amount at which the farm is assessed is insufficient, if equally divided between a father or mother and son or daughter, and they were jointly assessed for it, to qualify both to vote at a municipal election, the son or daughter shall not be entitled to be entered on the roll in respect of the farm. R.S.O. 1927, c. 238, s. 28 (3); 1931, c. 51, s. 4 (3).

When  
assessment  
insufficient  
to qualify  
all sons.

(4) If the father is living and there are more sons than one resident as provided in subsection 2, and the farm is not assessed for an amount sufficient, if equally divided between them to qualify the father and all such sons to vote at a muni-



cipal election, so many of the sons in the order of their seniority, beginning with the eldest, as the amount at which the farm is assessed, if equally divided between them and the father, would be sufficient to qualify, shall be entitled to be entered on the roll as farmers' sons.

(5) If the father is dead and the mother is a widow and Idem. the farm is not assessed for an amount sufficient, if equally divided between them to qualify all of them to vote at a municipal election, so many of the sons, in the order mentioned in subsection 4, as the amount at which the farm is assessed, if equally divided between the mother and them, would be sufficient to qualify, shall be entitled to be entered on the roll as farmers' sons. R.S.O. 1927, c. 238, s. 28 (4, 5).

(6) Where a father or mother has no sons, the daughters, Right of daughter to vote where no sons. if any, shall for the purposes of subsection 4 or 5 be entitled to be entered on the roll as farmers' daughters in the same manner and to the same extent as the sons, if there had been sons, would have been entitled to be entered on the roll.

(7) Where a father or mother has sons and daughters and the farm is assessed at an amount more than sufficient to entitle the father or mother and all the sons to be entered on the roll, Right of daughter to vote where sons also vote. but is not assessed for an amount sufficient to qualify also all such daughters to vote at a municipal election, so many of the daughters in the order mentioned for sons in subsection 4 as the amount at which the farm is assessed if equally divided between the father, mother and the sons and daughters would be sufficient to qualify, shall be entitled to be entered on the roll as farmers' daughters. 1931, c. 51, s. 4 (4).

(8) A farmer's sister shall have the same right to be entered on the roll as if she were jointly assessed for the farm with the owner, but she shall not be entered thereon as a farmer's sister unless the amount at which the farm is assessed is sufficient if equally divided between them, and they were jointly assessed for it, to qualify both to vote at a municipal election. Right of farmer's sister to vote.

(9) In case more than one farmer's sister has the right Right of more than one farmer's sister to vote. under subsection 8 to be entered on the roll with the owner, and the farm is not assessed for an amount sufficient to qualify all such farmer's sisters to vote at a municipal election, so many of the farmer's sisters in the order mentioned for sons in subsection 4 as the amount at which the farm is assessed if equally divided between the owner and the farmer's sisters would be sufficient to qualify, shall be entitled to be entered on the roll as farmer's sisters. 1933, c. 2, s. 4 (2).

Occasional  
absence not  
to dis-  
qualify.

(10) Occasional or temporary absence from the farm for a time or times not exceeding in the whole six of the twelve months shall not disentitle a farmer's son or farmer's daughter or farmer's sister, to be entered on the roll. R.S.O. 1927, c. 238, s. 28 (6) ; 1933, c. 2, s. 4 (3).

Assessor to  
enter names  
on roll.

**28.**—(1) In addition to the particulars required by this Act to be entered upon the assessment roll, every assessor shall enter upon the roll the name of every person who is of the full age of twenty-one years, a British subject, and who has been a resident of Ontario for a period of nine months prior to the date fixed for the assessor to begin to make up his roll, and who is a resident of the municipality and qualified in other respects as the assessor believes, to vote at elections to the Assembly.

Particulars  
to be  
entered  
on list.

(2) After the name of every person so entered, the assessor shall enter the person's place of residence, and condition (as "married" or "married woman," "widower," "widow," "bachelor," or "spinster," as the case may be) or initials denoting such condition and the letters "L.F." (Legislative Franchise).

Duty of  
assessor.

(3) It shall be the duty of the assessor to make diligent inquiries when preparing the assessment roll in order to ascertain the persons who are entitled to be entered on the roll under this section.

List of  
names of  
provincial  
electors on  
separate  
assessment  
roll.

(4) The names of persons and the particulars in relation to such persons required by this section, to be entered in the assessment roll, and who are not qualified to vote at municipal elections, may be entered in a separate or supplementary assessment roll by the assessor or an assistant assessor appointed and sworn in the same manner as the assessor and all such rolls shall be verified by the assessor or assistant assessor by his affidavit or solemn affirmation according to the following form:

I (*name and residence*), make oath and say (*or solemnly declare and affirm*), as follows:

I have according to the best of my information and belief set down in the above separate roll the name of every person who is of the full age of twenty-one years, a British subject, and who has been a resident of Ontario for a period of nine months prior to the day of 19 (the date fixed for the assessor to begin to make up his roll) and who is a resident of the municipality (*or electoral district*) and qualified in other respects, as I believe, to vote at elections to the Assembly, and who is not qualified to vote at municipal elections.

*Entry of School Supporters on Roll.*

**29.** Where the index book required by section 62 of *The Separate Schools Act* is prepared, the assessor shall be guided thereby in ascertaining who have given the notices which are by law necessary in order to entitle supporters of Roman Catholic separate schools to exemption from the public school tax. R.S.O. 1927, c. 238, s. 30.

Assessor to be guided by index book.

Rev. Stat., c. 362.

**30.** The assessor, where the entry in the index book mentioned in section 29 does not show a ratepayer to be a supporter of separate schools, shall accept the statement of the ratepayer, or a statement made on his behalf and by his authority, and not otherwise, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column. R.S.O. 1927, c. 238, s. 31.

Evidence on which assessor to enter persons as separate school supporters.

**31.** The court of revision shall hear and determine all complaints with regard to persons alleged to be wrongfully placed upon or omitted from the roll as Roman Catholic separate school supporters, and any person so complaining or any ratepayer may give notice in writing to the clerk of the municipality of such complaint, and the provisions of this Act as to giving notice of complaints against the assessment roll and proceedings for the trial thereof shall apply to complaints under this section. R.S.O. 1927, c. 238, s. 32.

Entry of Roman Catholic separate school supporters.

**32.—(1)** In the case of a municipality in which there are supporters of a Roman Catholic separate school therein, or contiguous thereto, there shall be printed in conspicuous characters, or written across or on the assessor's notice to every ratepayer provided for by section 52 and set out as Form 4, in addition to the proper entry heretofore required to be made in the column respecting the school tax, the following words: "*You are assessed as a Separate School supporter,*" or "*You are assessed as a Public School supporter,*" as the case may be; or these words may be added to the notice to the ratepayer set forth in the said Form.

Notice to be given of assessment as public or separate school supporter.

**(2)** Where a ratepayer, who was in the next preceding year assessed as a public school supporter, is being assessed as a separate school supporter or where a ratepayer, who was in the next preceding year assessed as a separate school supporter, is being assessed as a public school supporter, it shall be the duty of the assessor to give, in addition to all other notices,

Notice to be given of change in assessment as public or separate school supporter.

a written or printed notice to such ratepayer that such change is being made. R.S.O. 1927, c. 238, s. 33.

### *School Census.*

School  
census.

**33.**—(1) The assessors or assistant assessors of every municipality shall enter in a book (Form 2), to be provided by the clerk of the municipality, the name, age and residence of every child between the ages of 5 and 8 years, 8 and 14 years, 14 and 16 years, 16 and 18 years, resident in the municipality, the name and residence of such child's parent or guardian, with an indication as to whether such parent or guardian is a public or separate school supporter, and shall return said book to the clerk of the municipality with the assessment roll for the use of the school attendance officer and others.

In cities  
over  
100,000.

(2) In cities having a population of over 100,000, such book need not be returned with the assessment roll, but shall be returned to the clerk of the municipality not later than the 1st day of October in each year. R.S.O. 1927, c. 238, s. 34.

### *List of Lands Patented, Located, etc.*

County  
treasurer to  
furnish  
copies of  
lists to  
clerks of  
municipalities.

Rev. Stat.,  
c. 33.

**34.** The county treasurer shall from the list transmitted to him by the Minister of Lands and Forests, under section 25 of *The Public Lands Act*, furnish to the clerk of each municipality in the county a copy of the said lists, so far as regards lands in such municipality, and such clerk shall furnish the assessors respectively with a statement showing what lands in the said annual list are liable to assessment within such assessor's assessment district. R.S.O. 1927, c. 238, s. 35.

(NOTE.—See *The Public Lands Act*, Rev. Stat., c. 33, s. 25, requiring Minister of Lands and Forests to send list of lands patented, located, etc., to treasurers of counties and of local municipalities in unorganized territory.)

See *The Registry Act*, Rev. Stat., c. 170, s. 104, requiring registrars upon request of the clerk of a municipality or assessment commissioner to furnish lists of transfers of land.)

### MODE OF ASSESSMENT OF LANDS.

Land, where  
assessed.

**35.** Except as hereinafter provided for, land shall be assessed in the municipality in which it lies, and in the case of cities and towns in the ward in which it lies. R.S.O. 1927, c. 238, s. 36.



*Owner Occupying Land.*

**36.**—(1) Land occupied by the owner shall be assessed against him. Land,—  
against  
whom to be  
assessed.

*Resident Owner of Unoccupied Land.*

(2) Unoccupied land the owner of which is resident in the municipality, shall be assessed against him. Unoccupied  
land of  
resident.

*Resident Owner, Land Occupied by Tenant.*

(3) Land owned by a resident in the municipality and occupied by any person other than the owner shall be assessed against the owner and the tenant. Land of  
resident  
occupied by  
tenant.

*Non-resident Owner, Land Occupied by Tenant.*

(4) Occupied land owned by a person who is not a resident in the municipality shall be assessed against the owner if known, and against the tenant. Occupied  
land owned  
by non-  
resident.

*Non-resident Owner, Land Unoccupied.*

(5) In cities, towns and villages unoccupied land owned by non-residents shall be assessed in the same manner as the land of residents, and where the name of the owner cannot be ascertained, the assessor shall insert the word "non-resident" in the column in the assessment roll for the name of the owner opposite the description of the land. Unoccupied  
land of non-  
resident in  
cities, towns  
or villages.

(6) In townships, unoccupied land shall be denominated "lands of non-residents" unless the owner thereof resides or has a place of business in the municipality where the land is situate, or gives a notice (Form 3), setting forth his full name, place of residence and post office address, to the clerk of the municipality, on or before the 20th day of April in any year, that he owns such land, describing it, and requires his name to be entered in the assessment roll therefor, and the clerk of the municipality shall, on or before the 25th day of April in each year, make up and deliver to the assessor a list of the persons requiring their names to be entered on the roll and of the lands owned by them. Unoccupied  
land of non-  
resident in  
townships.

(7) The clerk of the municipality shall keep in a book a record of such notices, and they shall stand until revoked. Record of  
non-  
residents'  
notices.

Rights of  
appeal of  
non-  
resident not  
named in  
roll.

(8) Where the name of the owner of unoccupied land has not been entered upon the assessment roll in respect thereof by the assessor, such owner or his agent shall be entitled,—

(a) to apply to the court of revision to have the same so entered whether the notice in subsection 6 has or has not been given, and the court may order the name to be entered notwithstanding that such notice has not been given or has not been given by the time in the said subsection provided;

(b) within the time allowed by law for other applications in that behalf, to apply to the judge to have the name of the owner entered upon the assessment roll and the voters' lists, whether such notice has or has not been given, and the judge may direct that the same be so entered as provided in section 38 of *The Voters' Lists Act*, notwithstanding that such notice has not been given or has not been given by the time in subsection 6 provided.

Rev. Stat.,  
c. 7.

*Several Owners of Undivided Shares, Some Non-resident.*

Joint  
owners,—  
resident and  
non-resident.

(9) Where land is owned by more persons than one, and any one of the owners is not resident in the municipality,—

(a) if the land is occupied by any person other than the owners, it shall be assessed against the tenant and against such of the owners as are known, and

(b) if occupied by any of the owners, or if unoccupied it shall be assessed against all the owners who are known.

*Tenant of Non-residents' Lands, When Considered Owner.*

Tenant,  
when to be  
deemed  
owner.

(10) Where land is assessed against a tenant under subsection 4 or 9, the tenant, for the purpose of imposing and collecting taxes upon and from the land, shall be deemed to be the owner.

*Trustees, Guardians, Executors, etc.*

Land held  
by trustees,  
etc.

(11) Land held by a trustee, guardian, executor or administrator shall be assessed against him as owner or tenant thereof, as the case may require, in the same manner as if he did not hold the land in a representative capacity; but the fact that he is a trustee, guardian, executor or administrator shall, if known, be stated in column 6 of the roll; provided, however,

that such trustee, guardian, executor or administrator shall only be personally liable when and to such extent as he has property as such trustee, guardian, executor, or administrator, available for payment of such taxes. R.S.O. 1927, c. 238, s. 37. Proviso.

#### LAND OF TRANSPORTATION OR TRANSMISSION COMPANY.

**37.** The real estate of any transportation or transmission company shall be considered as land of a resident in the municipality although the company has not an office in the municipality. R.S.O. 1927, c. 238, s. 38. Land of transportation or transmission company.

#### *Land in Which the Crown Has An Interest.*

**38.**—(1) The tenant of any land owned by the Crown (except a tenant occupying the same in an official capacity under the Crown) and the owner of any land in which the Crown has an interest and the tenant of any such land shall be assessed in respect of the land in the same way as if the land was owned or the interest of the Crown was held by any other person; in addition to the liability of every such person to pay the taxes assessed against such land, the interest, if any, of every person other than the Crown in such land shall be subject to the charge thereon given by section 99 and shall be liable to be sold under the provisions of this Act for arrears of taxes accrued against the land. R.S.O. 1927, s. 238, s. 39. Assessment of land in which Crown has an interest.

(2) The tenant of any land held in trust for any tribe or body of Indians who is not a member of such tribe or body (except a tenant occupying the same in an official capacity under the Crown) shall be assessed in respect to the land in the same manner as if the said land was owned or held by any other person. Assessment of tenant on Indian lands.

(3) In addition to the liability of any such person to pay the taxes assessed against such land, the interest in such land, if any, of every person other than the Crown and of the tribe or body of Indians for which it is held in trust or any member thereof, shall be subject to the charge thereon authorized by section 99 and shall be liable to be sold under the provisions of this Act for arrears of taxes accrued against the land. 1933, c. 2, s. 5. Tenant's interest may be sold.

#### VALUATION OF LANDS.

**39.**—(1) Subject to the provisions of this section, land shall be assessed at its actual value. Assessment of land.

(NOTE.—See secs. 209 to 211 providing penalties for non-compliance.)

## Buildings.

(2) In assessing land having any buildings thereon, the value of the land and buildings shall be ascertained separately, and shall be set down separately in columns 14 and 15 of the assessment roll and the assessment shall be the sum of such values. The value of the buildings shall be the amount by which the value of the land is thereby increased.

## Matters to be considered in assessing buildings.

(3) To remove doubts, it is hereby declared that the cost of a building is only one of the matters which should be considered in ascertaining the amount for which a building should be assessed, and if it is found that a building, either because of its condition as to repair or of its inappropriateness to the location in which it is found or because of any other circumstances affecting its value, increases the value of the land by less than the cost of the building, or the cost of replacing it, such less sum shall be the amount for which the building shall be assessed under subsection 2; the meaning of that subsection being that buildings shall be assessed for the amount of the difference between the selling value of the whole property and the selling value of the land if there were no buildings on it.

## Certain buildings and minerals not assessable.

(4) The buildings, plant and machinery in, on or under mineral land, and used mainly for obtaining minerals from the ground, or storing the same, and concentrators and sampling plant, and, subject to subsection 8, the minerals in, on or under such land, shall not be assessable.

## Minimum assessment of mineral lands.

(5) In no case shall mineral land be assessed at less than the value of other land in the neighbourhood used exclusively for agricultural purposes. R.S.O. 1927, c. 238, s. 40 (1-5).

## Income from mines.

(6) The income of a corporation from a mine or mineral work shall be assessed by, and the tax leviable thereon shall be paid to the municipality in which such mine or mineral work is situate; provided that the assessment on income from each oil or gas well operated at any time during the year shall be at least \$20. R.S.O. 1927, c. 238, s. 40 (6); 1936, c. 3, s. 15 (1).

## Business assessment.

(7) Every person occupying mineral land for the purpose of any business other than mining shall be liable to business assessment as provided by section 8.

## Petroleum mineral rights.

(8) Where in any deed or conveyance of lands heretofore or hereafter made, the petroleum mineral rights in such lands have been or shall be reserved to the grantor, such mineral rights shall be assessed at their actual value.



(9) Notwithstanding anything in this section contained, the income tax payable to any municipality upon a mine or mining work liable to taxation under section 4 of *The Mining Tax Act* shall not exceed one and one-half per centum of the annual profits of the mine or mining work upon which the tax payable under the said section 4 is based, unless the amount of such annual profits exceeds a sum which will yield \$35,000 in respect of such income tax when an additional one per centum of such excess annual profits shall be payable to the municipality. R.S.O. 1927, c. 238, s. 40 (7-9).

Limit of  
municipal  
tax on  
income.

Rev. Stat.,  
c. 28.

(10) Where any estate in mines, minerals or mining rights has heretofore or may hereafter become severed from the estate in the surface rights of the same lands, whether by means of the original patent or lease from the Crown, or by any act of the patentee or lessee, his heirs, executors, administrators, successors or assigns, such estates after being so severed shall thereafter be and remain for all purposes of taxation and assessment separate estates notwithstanding the circumstances that the titles to such estates may thereafter be or become vested in one owner. 1928, c. 39, s. 2.

Case of  
minerals  
and surface  
rights  
becoming  
vested in  
one owner.

(11) Notwithstanding the provisions of subsection 4, but subject to the provisions of subsection 9, the assessment of income from a mine or mineral work or mining work under this section shall be deemed to be real property assessment and not income assessment, and the taxes payable in accordance with subsection 9 upon such assessment shall be a lien upon all the lands in the municipality of the corporation liable for payment of such taxes. 1936, c. 3, s. 15 (2).

Mine  
assessment  
to be  
regarded as  
for real  
property.

**40.**—(1) The council of a city, town or village may with the assent of the electors qualified to vote on money by-laws pass a by-law providing that taxes and rates, except for school purposes, on dwelling houses assessed for not more than \$4,000 shall be levied and imposed on such percentage of the assessed value as may be thought proper, but not on a less percentage than the following:

Provision  
for partial  
exemption  
of dwelling  
houses from  
taxation.

- (a) on dwelling houses assessed at not more than \$2,000 on not less than fifty per centum of the assessed value;
- (b) on dwelling houses assessed at not more than \$2,500 on not less than sixty per centum of the assessed value;
- (c) on dwelling houses assessed at not more than \$3,000 on not less than seventy per centum of the assessed value;

(d) on dwelling houses assessed at not more than \$3,500 on not less than eighty per centum of the assessed value;

(e) on dwelling houses assessed at not more than \$4,000 on not less than ninety per centum of the assessed value.

Power of township.

(2) The council of a township shall have the same power as is set out in subsection 1 and in addition the by-law may in the case of farms extend and apply to all buildings used for farming purposes.

Exemption of dwelling houses of men on active service overseas.

(3) The council of any local municipality may without the assent of the electors pass a by-law exempting from taxation except for local improvements and school purposes for a period not exceeding ten years, dwelling houses assessed at not more than \$3,000 owned and occupied by officers or men who were on active service overseas during the late war with the naval or military forces of Great Britain or Great Britain's Allies.

Exemption from poll tax.

(4) The council of any local municipality may without the assent of the electors pass a by-law exempting such officers and men, for a period not exceeding ten years from the payment of any poll tax levied or imposed under the provisions of section 2 of *The Statute Labour Act*, and the council of a township may without the assent of the electors pass a by-law exempting for a period not exceeding ten years such officers and men from the performance of the one day of statute labour mentioned in section 5 of *The Statute Labour Act*.

Rev. Stat., c. 274.

Interpretation.

(5) "Dwelling houses" for the purposes of this section shall not include an apartment or tenement house or a hotel or a building erected or altered for the purpose of providing two or more separate suites, or sets of rooms for separate occupation by one or more persons. R.S.O. 1927, c. 238, s. 41.

Where not held for sale but for a park, pleasure ground, etc.

**41.** Where land is not held for the purpose of sale, but is *bona fide* enclosed and used in connection with a residence or building as a paddock, park, lawn, garden or pleasure ground, it shall be assessed therewith, at a valuation which at six per centum, would yield a sum equal to the annual rental which, in the judgment of the assessors, it is fairly and reasonably worth for the purposes for which it is used, reference being always had to its position and local advantages, unless by by-law the council requires the same to be assessed like other ground. R.S.O. 1927, c. 238, s. 42.

**42.**—(1) In a town or village where lands, held and used as farm lands only and in blocks of not less than ten acres by any one person, are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of such town or village shall annually, at least two months before striking the rate of taxation for the year, pass a by-law declaring what part, if any, of such lands shall be exempt or partly exempt from taxation for the expenditure of the municipality incurred for waterworks, whether for domestic use or for fire protection or both, the making of sidewalks, the construction of pavements and sewers or the lighting and watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such improvements, or any of them. R.S.O. 1927, c. 238, s. 43 (1) ; 1934, c. 1, s. 6.

Exemption  
of farm  
lands from  
taxation for  
certain ex-  
penditures.

(2) Any person claiming such exemption in whole or in part shall notify the council of the municipality thereof within fourteen days after the time fixed by law for the return of the assessment roll, and shall by some intelligible description indicate the land and quantity as nearly as may be in respect of which exemption is claimed.

Person  
claiming  
exemption  
to notify  
council.

(3) Any person complaining that the said by-law does not exempt or sufficiently exempt him or his said farm lands from taxation as aforesaid may within fourteen days after the passing thereof notify the clerk of the municipality of the intention to appeal against the provisions of such by-law or any of them to the judge of the county court, who shall have full power to alter or vary any or all of the provisions of the said by-law and determine the matter of complaint in accordance with the spirit and intent of the provisions of this section.

Appeal to  
county  
judge  
against  
provisions  
of by-law.

(4) If the council fails to pass such by-law within one month after the said notice, then any person affected may within fourteen days after the lapse of the said month notify the clerk of the municipality of the intention to appeal to the judge of the county court, who shall have as full power to entertain such appeal as the said judge has on appeal against the provisions of a by-law passed under subsection 1.

Application  
to judge  
in case of  
failure of  
council to  
pass by-law.

(5) The provisions relating to appeals from a court of revision to the county judge and to the amendment of the assessment roll thereon shall, so far as applicable, regulate and govern the procedure to be followed upon appeals to the county judge under this section, and the amendment of the by-law thereon.

Procedure  
upon appeals  
to judge.

Appeals  
from court  
of revision  
not affected.

(6) Nothing in subsections 2, 3, 4, and 5 contained shall be deemed to prevent or affect the right of appeal to the county judge from the decision of a court of revision upon any appeal against an assessment. R.S.O. 1927, c. 238, s. 43 (2-6).

Exemption  
of farm  
lands in  
police  
villages.

**43.**—(1) Section 42 shall apply to a police village so that farm lands situate therein may be exempted or partly exempted from taxation in the same manner, to the same extent, and for the purposes mentioned in said section.

Exemption  
by-law  
to be passed  
by trustees  
of police  
village.

(2) The trustees or board of trustees of a police village shall have power to and shall pass by-laws as provided for in section 42, and forthwith after passing the same furnish a certified copy thereof to the clerk of the township or townships in which the police village or any part thereof is situate, and all notices to be given under the said section shall be given to the trustees or board of trustees of the police village instead of to the clerk of the municipality.

Notice of  
by-law  
and of  
decisions  
of judge to  
be given to  
township  
clerk.

(3) The trustees or board of trustees of a police village shall notify the clerk of the township or townships in which the police village or any part thereof is situate of any decision of the judge made under section 42 forthwith after the same is received.

Jurisdiction  
of judge  
where two  
counties  
affected.

(4) If a police village is situate in two or more counties, the judge of the county court of the county in which the larger or largest part of the police village is situate shall exercise jurisdiction for the purposes of this section.

Application  
of by-law  
by township  
council in  
striking  
rates.

(5) The provisions of every by-law of a police village passed under the authority of this section, and of every decision of the judge with respect to such police village, shall be made applicable by the council of the township or townships in which the police village or any part thereof is situate in striking the rates to be levied in or for the purposes of the police village. 1936, c. 3, s. 16.

Assessment  
of lands of  
water, heat,  
light, power,  
street  
railway and  
electric  
railway  
companies.

**44.**—(1) The property, by paragraph 5 of clause *i* of section 1, declared to be "land" which is owned by companies or persons supplying water, heat, light and power to municipalities and the inhabitants thereof, and companies and persons operating tramways, street railways and electric railways, and companies or persons transmitting oil or gas by pipe line, shall, in a municipality divided into wards, be assessed in the ward in which the head office of such company or person is situate, if such head office is situated in such municipality, but if the head office of such company or person is not in such municipality, then the assessment may be in any ward thereof.



(2) Where the property of any such company or person extends through two or more municipalities, the portion thereof in each municipality shall be separately assessed therein at its value as an integral part of the whole property.

Assessment of works of certain companies extending into two or more municipalities.

(3) In assessing such property whether situate or not situate upon a highway, street, road, lane or other public place, the same shall when and so long as in actual use be assessed at its actual cash value as the same would be appraised upon a sale to another company or person possessing similar powers, rights and franchises in and from the municipality and subject to similar conditions and burdens, regard being had to all circumstances adversely affecting the value of such property including the non-user of any of the same.

Principle of assessment.

(4) Notwithstanding anything contained in this section or any other section of this Act, the structures, substructures, superstructures, rails, ties, poles and wires of such an electric railway shall be liable to assessment and taxation in the same manner and to the same extent as those of a steam railway are under the provisions of section 50 and not otherwise. R.S.O. 1927, c. 238, s. 44.

Assessment of structures, rails, ties, poles of electric railway.

**45.** Except as provided by subsection 12 of section 12, where any structure, pipe, pole, wire, or other property is erected or placed upon, in, over, under, or affixed to any highway forming the boundary line between two local municipalities, or so that such structure, pipe, pole, wire or property is in some places on one side and in other places on the other side of the boundary line, or is on a highway forming the boundary line between two local municipalities although it may deviate so as in some places to be wholly or partly within either of them, the same shall be assessed in each municipality for one-half of the whole assessable value in both municipalities taken together. R.S.O. 1927, c. 238, s. 45.

Pipes, poles, wires, etc., on boundary lines.

**46.**—(1) Land owned or leased by or vested in a municipal corporation or commission or in trustees or any other body acting for and on behalf of a municipal corporation and used for the purpose of supplying water, light, heat or power to the inhabitants of the municipality, or for the purposes of a railway, electric railway, street railway or tramway or telephone system shall be liable to assessment and taxation for municipal and school purposes in the municipality in which it is situate at its actual value, according to the average value of land in the locality. R.S.O. 1927, c. 238, s. 46 (1); 1934, c. 1, s. 7.

Assessment of land used by municipal public utilities.

(2) Subject to the provisions of subsection 3 and of section 47, subsection 1 shall not apply to or include a highway, street,

Exceptions

lane or other public place, nor shall it apply to or include buildings, machinery, works, structures, substructures, superstructures, rails, ties, pipes, poles and other property, works, or improvements, owned, used or controlled by such municipal corporation, commission, trustees or other body, nor an easement or the right of use or occupation or other interest in land not owned by such municipal corporation, commission, trustees or other body, but every such highway, street, lane or other public place, and all such buildings, machinery, works, structures, substructures, superstructures, rails, ties, pipes, poles and other property, works or improvements so owned, used or controlled, and every such easement or right shall continue to be exempt from assessment and taxation as heretofore.

Taxation of restaurants, etc., of municipal electric railway.

(3) Notwithstanding anything contained in this section or in paragraph 8 of section 4, any restaurants, merry-go-rounds and switch-back railways carried on in connection with an electric railway owned, leased or operated by or for a municipal corporation or vested in or controlled by a commission on behalf of a municipal corporation, shall be assessable. R.S.O. 1927, c. 238, s. 46 (2, 3).

By-law for taxation of retail shops operated by municipal corporation or commission.

**47.** Where a municipal corporation or commission is carrying on the business of selling by retail electrical goods, supplies or appliances and the council passes a by-law declaring that this section shall apply to such corporation or commission, then such corporation or commission shall be assessed and be liable to taxation in respect of such business and the land and buildings owned or occupied for the purposes thereof in the same manner and to the same extent as a retail merchant carrying on the same business. R.S.O. 1927, c. 238, s. 47.

#### *International and Intermunicipal Bridges and Tunnels.*

Bridges and tunnels over international boundary line.

**48.** In the case of any bridge or tunnel liable to assessment which belongs to or is in the possession of any person or incorporated company, and which crosses any river forming the boundary between the Province of Ontario and any other country or province, the part of such structure within Ontario shall be valued as an integral part of the whole and on the basis of the valuation of the whole, and at its actual cash value as the same would be appraised upon a sale to another company possessing similar powers, rights and franchises and subject to similar conditions and burdens but subject to the provisions and basis of assessment set forth in subsection 3 of section 44. R.S.O. 1927, c. 238, s. 48; 1931, c. 51, s. 6.

**49.** Any bridge or tunnel belonging to or in possession of any person or company between two municipalities in the Province shall be valued as an integral part of the whole and on the basis of valuation of the whole. R.S.O. 1927, c. 238, s. 49; 1931, c. 51, s. 7.

Bridges and tunnels between municipalities.

### *Railways.*

**50.**—(1) Every steam railway company shall annually transmit on or before the 1st day of February to the clerk of every municipality in which any part of the roadway or other real property of the company is situate, a statement showing,—

Railway companies to furnish certain statements to clerks of municipalities.

- (a) the quantity of land occupied by the roadway, and the actual value thereof (according to the average value of land in the locality) as rated on the assessment roll of the previous year;
- (b) the vacant land not in actual use by the company and the value thereof;
- (c) the quantity of land occupied by the railway and being part of the highway, street, road or other public land (but not being a highway, street or road which is merely crossed by the line of railway) and the assessable value as hereinafter mentioned of all the property belonging to or used by the company upon, in, over, under, or affixed to the same;
- (d) the real property, other than aforesaid, in actual use and occupation by the company, and its assessable value as hereinafter mentioned;

and the clerk of the municipality shall communicate such statement to the assessor.

(2) The assessor shall assess the land and property aforesaid as follows;—

Assessment of railway land.

- (a) the roadway or right-of-way at the actual value thereof according to the average value of land in the locality; but not including the structures, substructures and superstructures, rails, ties, poles and other property thereon;
- (b) the said vacant land, at its value as other vacant lands are assessed under this Act;
- (c) the structures, substructures, superstructures, rails, ties, poles and other property belonging to or used

by the company (not including rolling stock and not including tunnels or bridges in, over, under, or forming part of any highway), upon, in, over, under or affixed to any highway, street or road (not being a highway, street or road merely crossed by the line of railway) at their actual cash value as the same would be appraised upon a sale to another company possessing similar powers, rights and franchises, regard being had to all circumstances adversely affecting the value including the non-user of such property; and

- (d) the real property not designated in clauses *a*, *b* and *c* of this subsection in actual use and occupation by the company, at its actual cash value as the same would be appraised upon a sale to another company possessing similar powers, rights and franchises.

Rails, ties, poles, sub-structures, etc., not assessable.

(3) Notwithstanding anything in this Act contained, the structures, substructures, superstructures, rails, ties, poles, wires and other property on railway lands and used exclusively for railway purposes or incidental thereto (except stations, freight sheds, offices, warehouses, elevators, hotels, roundhouses and machine, repair and other shops) shall not be assessed.

Notice of assessment.

(4) The assessor shall deliver at, or transmit by post to, any station or office of the company a notice, addressed to the company, of the total amount at which he has assessed the said land and property of the company in his municipality or ward showing the amount for each description of property mentioned in the above statement of the company, and such statement and notice respectively shall be held to be the assessment return and notice of assessment required by sections 17 and 52.

Exemption from other assessments.

(5) A railway company assessed under this section shall be exempt from assessment in any other manner for municipal purposes except for local improvements. R.S.O. 1927, c. 238, s. 50.

Quinquennial railway assessment.

**51.** When an assessment has been made under the provisions of section 50, the amount thereof in the roll as finally revised and corrected for that year shall be the amount for which the company shall be assessed for the next following four years in respect of the land and property included in such assessment; but at any time before the return of the assessment roll in any year the said amount may be reduced by deducting therefrom the value of any land or property included in such assessment which has ceased to belong to the



company, and a further assessment may be made of any additional land or property of the company not included in such assessment. R.S.O. 1927, c. 238, s. 51.

#### NOTICE OF ASSESSMENT.

**52.**—(1) The assessor, or his assistant, before the completion of the assessment roll for the municipality, or ward, as the case may be, shall, in manner hereinafter provided, leave for or transmit to every person named in the roll, a notice, (Form 4), of the sum or sums for which such person has been assessed, and the other particulars mentioned in such Form, and shall enter in the roll opposite the name of the person, the date of delivering or transmitting such notice, and the entry shall be *prima facie* evidence of such delivery or transmission.

Notice of  
assessment.

(2) Such notice shall contain, written or printed on some part thereof, the name and post office address of the clerk of the municipality or of the assessment commissioner, if any.

Name of  
clerk on  
assessment  
notice.

(3) If the person resides or has a place of business in the municipality, the notice shall be left at his residence or place of business, but the council of a city or town may pass a by-law providing that the notice may be sent by registered letter post, addressed to his residence or place of business.

Leaving at  
residence.

(4) If the person is not resident in the municipality, the notice shall be transmitted by post to his address, if known.

Non-  
resident.

(5) If the address of the person is not known, the notice shall be left with some grown-up person on the assessed premises, if there is any such person there resident.

Leaving on  
assessed  
premises.

(6) In any city the notice may be served upon a person resident or having a place of business within the municipality, either personally or by leaving such notice in the office or place of business of such person in the municipality, and where such office or place of business is situate in any public building, or in any building the apartments of which are occupied by different persons as places of business, the notice may be left with the person assessed, or in his absence, with some person employed in the particular office in which the person named in the notice is engaged, or, if there be no such person, the notice may be left in the particular office in which the person assessed is employed or engaged.

Service of,  
in cities.

(7) In case any person assessed furnishes the assessment commissioner, or if none, the clerk, with a notice in writing giving an address to which the notice of assessment may be transmitted to him, and requesting that the same be transmitted to such address by registered letter, the notice of assess-

Where  
address sent  
to clerk, etc.

ment shall be so transmitted, and any notice so given to the assessment commissioner or clerk, as the case may be, shall stand until revoked in writing. R.S.O. 1927, c. 238, s. 52 (1-7).

No notice to  
farmer's  
son.

(8) Nothing in subsections 1 to 7 contained shall be deemed to require the assessor to give, leave or transmit any notice to any person entered upon the assessment roll under the provisions of section 27. R.S.O. 1927, c. 238, s. 52 (8); 1937, c. 8, s. 3.

### *Time for Completion of Roll.*

When  
assessment  
roll to be  
completed.

**53.**—(1) Subject to the provisions of sections 59 to 63, every assessor shall begin to make his roll in each year not later than the 15th day of February, and shall complete the same on or before the 30th day of April, and, in municipalities not having an assessment commissioner, the assessor shall attach thereto his affidavit or solemn affirmation, and, in municipalities having an assessment commissioner, the assessment commissioner, or his assistant, as the case may require, shall attach thereto his affidavit or solemn affirmation.

Form of  
affidavit.

(2) The affidavit or affirmation (Form 5), may be made before the clerk of the municipality or a justice of the peace having jurisdiction in the municipality, or a commissioner for taking affidavits, or a notary public for the Province.

Assessment  
roll to be  
delivered to  
clerk of the  
municipality.

(3) Subject to the provisions of sections 59 to 63, every assessor shall, on or before the 30th day of April, deliver to the clerk of the municipality the assessment roll, completed and added up, with the affidavits attached, and the clerk shall immediately upon the receipt of the roll, file it in his office, and it shall, at all convenient office hours, be open to the inspection of all persons requiring to inspect the same.

Omission  
to attach  
affidavit.

(4) The omission to attach to the assessment roll the affidavit or solemn affirmation required by subsection 1 shall not invalidate the roll. R.S.O. 1927, c. 238, s. 53.

### *Correction of Errors.*

Correction  
of errors in  
roll by  
assessor.

**54.** Notwithstanding the delivery or transmission of any notice provided for by section 52, the assessor, at any time before the time fixed for the return of the assessment roll may correct any error in any assessment and alter the roll accordingly, and he shall do so upon notice being given to him of any error, and, upon so correcting or altering any assessment he shall deliver or transmit to the person assessed an amended notice. R.S.O. 1927, c. 238, s. 54.

**55.** In cities where the assessment is made by wards, in case any person removes from a ward before having been assessed therein into a ward for which the assessment roll has been completed, the assessor for the last mentioned ward may at any time before the 30th day of September amend the roll by entering therein the assessment of such person, and shall forthwith give to him the notice of assessment provided for by section 52, and the person so assessed shall be entitled to appeal to the county judge from the assessment within ten days from the time of giving such notice. R.S.O. 1927, c. 238, s. 55.

Amendment  
of roll for  
ward in  
cities after  
completion.

**56.** It shall be the duty of the clerk to report to the court of revision the facts and particulars as to any errors or omissions in the assessment roll of which he may from time to time become aware, and the court of revision shall thereupon take such steps as the court shall deem advisable and necessary to cause such corrections to be made in the roll, and shall give such notice to persons interested as such corrections may render necessary. R.S.O. 1927, c. 238, s. 56.

Clerk to  
report errors  
or omissions  
in roll to  
court of  
revision.

**57.—(1)** If at any time it appears to any treasurer or other officer of the municipality that land liable to assessment has not been assessed for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality, or if the omission to assess comes to the knowledge of the clerk of the municipality in any other manner, he shall enter such land on the next collector's roll, or roll for non-residents, as the case may require, as well for the arrears of the preceding year or years, if any, as for the tax of the current year, and the valuation of the land shall be the average of the three previous years, if assessed for the said three years, but if not so assessed, the clerk shall require the assessor for the current year to value the land, and it shall be the duty of the assessor to do so when required, and to certify the valuation, in writing, to the clerk. R.S.O. 1927, c. 238, s. 57 (1); 1929, c. 63, s. 4 (1).

Correction  
of omission  
to assess  
land.

**(2)** If at any time it appears to any officer of the municipality that any income or business assessment has been omitted from the assessment roll for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality, or if the omission to assess comes to the knowledge of the clerk in any other manner, and the clerk shall enter such income or business assessment on the assessment roll from which such assessment has been omitted, and as well for the preceding year as for the current year, on the collector's roll for the current year, but in

Omissions  
of income or  
business  
assessment.

respect to any assessment for a preceding year or years the taxes payable in respect thereto shall be calculated at the rates of taxation levied for such year or years. 1936, c. 3, s. 17 (1).

Notice  
to person  
taxed and  
right of  
appeal.

(3) Where the clerk performs any of the duties required by this section he shall forthwith thereafter deliver to or send by registered letter post to the person so taxed a notice setting out the amount of the assessment and of the taxes entered on the roll, and such person shall have the right to appeal within ten days thereafter to the court of revision, and an appeal may also be had to the county judge by such person or by the municipality from any decision of the court of revision. 1929, c. 63, s. 4 (3).

*Inquiries to Prevent Creation of False Votes.*

Assessor  
to make  
inquiries  
so as to  
prevent  
creation of  
false votes.

**58.**—(1) To prevent the creation of false votes, where a person claims to be assessed, or to be entered or named in any assessment roll, or claims that another person should be assessed, or entered or named in such assessment roll, as entitled to be a voter, and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed or to be entered or named in the roll as so entitled to be a voter, it shall be the duty of the assessor to make reasonable inquiries before assessing, entering or naming any such person in the assessment roll.

Persons  
entitled to  
be assessed,  
etc., to be  
entered on  
roll without  
request.

(2) Any person entitled to be assessed or to have his name inserted or entered in the assessment roll of a municipality, shall be so assessed, or shall have his name so inserted or entered, without any request in that behalf, and a person entitled to have his name so inserted or entered in the assessment roll, or in the list of voters based thereon, or to be a voter in the municipality, shall, in order to have the name of any other person entered or inserted in the assessment roll or list of voters, as the case may be, have for all purposes the same right to apply, complain or appeal to a court or a judge in that behalf as such other person would or can have personally, unless such other person actually dissents therefrom.

Penalty for  
wrongfully  
inserting  
names in  
roll.

(3) Any person who wilfully and improperly inserts or procures or causes the insertion of the name of a person in the assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent in any such case to give to a person not entitled thereto either the right or an apparent right to be a voter, or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and improperly omits, or procures or causes the omission of the name of a



person from the assessment roll, or assesses or procures or causes the assessment of a person at too low an amount, with intent in any such case to deprive any person of his right to be a voter, shall incur a penalty not exceeding \$200, or shall be liable, in the discretion of the convicting justice, to imprisonment for any period not exceeding six months, or to both such penalty and imprisonment.

(4) The word "voter" in this section shall have the meaning given thereto by *The Voters' Lists Act*. R.S.O. 1927, c. 238, s. 58. "Voter," meaning of. Rev. Stat., c. 7.

**59.**—(1) In cities, towns, villages and townships, the council instead of being bound by the periods above mentioned for taking the assessment, and by the periods named for the revision of the rolls by the court of revision, and by the county judge, may pass by-laws for regulating the above period, as follows, that is to say: for taking the assessment between the 1st day of April and the 30th day of September, the rolls being returnable in such case to the city, town, village or township clerk on the 1st day of October, and in such case the time for closing the court of revision shall be the 15th day of November, and for final return by the judge of the county court, the 15th day of December, and the assessment so made shall be the assessment on which the rate of taxation for said following year shall be fixed and levied, and the taxes for such following year shall in such case be fixed and levied upon such assessment. R.S.O. 1927, c. 238, s. 59 (1); 1930, c. 46, s. 3 (4). Time for taking the assessment and revising the rolls in cities, etc.

(2) Where there has, from any cause, been delay in so completing the final revision of the said roll beyond the said 15th day of December, the assessment when finally revised shall nevertheless be the assessment on which the rate of taxation for such following year shall be levied. R.S.O. 1927, c. 238, s. 59 (2); 1930, c. 46, s. 3 (5). Delay in completing assessment, effect of.

(3) In case the council deem it advisable to adopt the provisions of this section in any year for which there has been an assessment made under the previous sections of this Act, the council instead of making a second assessment in the same year may pass a by-law adopting the assessment roll previously made and revised in such year, and such assessment roll shall be subject to revision in the manner provided by subsection 1, and shall have the same effect as an assessment made under subsection 1. R.S.O. 1927, c. 238, s. 59 (3). Adoption of assessment for current year.

**60.**—(1) The council of any city, instead of proceeding in the manner set forth in section 59, may by by-law, from time to time, provide for making the assessment at any time prior Taking assessment by wards or subdivisions in cities.

to the 30th day of September, and may fix prior and separate dates for the return of the roll of each ward, or each subdivision of a ward, as defined in the by-law.

By-law to fix time for hearing appeals to court of revision.

(2) Any such by-law shall also provide for holding a court of revision for hearing appeals from the assessment in each ward or subdivision, in the manner provided by this Act, upon the return of the assessment roll for such ward or subdivision. R.S.O. 1927, c. 238, s. 60 (1, 2).

Appeals to county judge.

(3) The county judge may sit from time to time throughout the year for the purpose of hearing appeals from the court of revision upon the determination of appeals made to the court with respect to each roll, and the time for appeal to the court of revision shall be within ten days after the last day fixed for the return of the roll for each ward or subdivision of a ward, and the time for appealing from the court of revision to the county judge shall be within five days after the decision of the court of revision where it is given at the hearing of the appeal, and where it is reserved within five days after written notice of such decision has been delivered to the appellant or sent to him by registered letter post by the clerk of the court. R.S.O. 1927, c. 238, s. 60 (3); 1929, c. 63, s. 5.

When revision by judge to take place and be completed.

(4) The judge shall arrange to hear all such appeals from time to time throughout the year, within ten days after the sitting of the court of revision for each ward or subdivision of a ward, and shall complete his revision of the last of such rolls for the city by the 20th day of October, in each year. R.S.O. 1927, c. 238, s. 60 (4).

Assessment so made shall be assessment for following year.

(5) The assessment so made whether or not it is completed by the 20th day of October, shall, upon its final revision be the assessment upon which the taxes for the following year shall be levied. 1930, c. 46, s. 3 (6).

Time for giving notice, etc.

(6) In any city in which any by-law has been passed under this section, the provisions of sections 73 and 76, so far as the same relate to the time for appealing and giving notice thereof, shall not apply, but the clerk shall give notice to every person appealing, or whose assessment or non-assessment is appealed against, at least five days before the sitting of the court of revision, such notice to be served upon such person, or left at his residence or place of business, or upon the premises concerning which such appeal arises, or addressed to such person through the post office, but no advertisement of the court shall be necessary, and in case of appeals to the county judge, five days' notice of the day fixed by the county judge for hearing such appeals shall be served in the manner provided in the case of appeals to the court of revision.

(7) The provisions of sections 73 and 76, so far as the Application. same are not inconsistent with the provisions of this section, shall apply to appeals made hereunder.

(8) It may be provided in any by-law passed under this Provision for by-law to remain in force. section, that the by-law shall remain in force until repealed. R.S.O. 1927, c. 238, s. 60 (7-9).

**61.** Where an addition of any part of the localities adjacent to any city, town or village has been made to said city, town or village, in any year subsequent to the 30th day of September, under the provisions of section 16 or 20 of *The Municipal Act*, the council of said city, town or village may pass a by-law in the succeeding year, adopting the assessment of the said addition as last revised while apart of the adjoining municipality as the basis of the assessment for said part for that year, although the assessment of the remainder of the city, town or village has been made, and the rate of taxation has been levied in accordance with the provisions of sections 59 and 60, and the levying of a proportionate share of the taxation upon said addition shall not invalidate either the assessment of the remainder or the tax levied thereon, and the qualification of municipal electors in said addition shall, for the said succeeding year, be the same as that required in the municipality from which the part has been taken. R.S.O. 1927, c. 238, s. 61. Assessment of localities added to cities and towns. Rev. Stat., c. 266.

**62.** Notwithstanding anything in this Act contained, the council of a township may pass a by-law for taking the assessment between the 30th day of September and the 30th day of April in the following year, and the assessment so made shall be adopted by the council of the last mentioned year. R.S.O. 1927, c. 238, s. 62. By-laws for taking assessment in townships between 30th September and 30th April.

*Special Provisions Applicable to Counties.*

**63.**—(1) County councils may pass by-laws for taking the assessment in towns, townships, and villages between the 1st day of February and the 1st day of July. County councils may regulate time for taking assessment.

(2) If such by-law extends the time for making and completing the assessment rolls beyond the 1st day of May, then the time for closing the court of revision shall be six weeks from the day to which such time is extended, and the time for final return in case of an appeal shall be twelve weeks from that day. R.S.O. 1927, c. 238, s. 63. Time for closing court of revision, etc.

## COURT OF REVISION.

Court of revision, in cities, how constituted.

Rev. Stat., c. 280.

Payment of members of city court of revision.

Certain persons disqualified.

Appointment of members.

Quorum.

Filling vacancies.

Constitution of court in city over 200,000.

**64.**—(1) Subject to the provisions of section 65 in every city the court of revision shall consist of three members, one of whom shall be appointed by the city council, and one by the mayor, and the third shall be the official arbitrator appointed for the city under *The Municipal Arbitrations Act*, and in the case of cities where there is no official arbitrator, or where such official arbitrator is a judge or junior judge of the county in which the city is situated, the sheriff of the county shall be the third member in the case of a city which is the county town and the third member of the court of revision in any city which is not the county town and for which no such official arbitrator has been appointed or where such official arbitrator is a judge or junior judge of the county in which such city is situated shall be appointed by the municipal council of such city. R.S.O. 1927, c. 238, s. 64 (1); 1928, c. 39, s. 4.

(2) Each member of the court of revision for a city shall be paid such sum for his services as the council may by by-law or resolution provide.

(3) No member of the city council, and no officer or employee of the city corporation shall be a member of the court of revision.

(4) The appointed members of such court of revision shall hold office until their successors are appointed, but the mayor or council may each or either of them, after the organization of a new council and before the 1st day of March in any year, appoint a member of such court of revision in place of any member appointed by the mayor or council in a preceding year.

(5) Two members of any court of revision under this section shall form a quorum, and upon the death or resignation of any member of any such court a successor shall immediately thereafter be appointed by the authority which appointed the member so dying or resigning.

(6) In case of a vacancy in the office of sheriff, or if the sheriff is unable to act from any cause in cities where there is no official arbitrator, the registrar of deeds for the county or registry division of the county whose office is in such city, shall act as the third member of the court during such vacancy or inability of the sheriff to act. R.S.O. 1927, c. 238, s. 64 (2-6).

**65.**—(1) In a city having a population of not less than 200,000 the court of revision shall consist of one member only, appointed by the council of such city, who shall be a barrister of at least ten years' standing at the bar of Ontario, but who



shall not be a member of the city council or an officer or employee of the city corporation.

(2) Such member shall be known as "The Commissioner of the Court of Revision" and shall hold office during the pleasure of the council. Name of member.

(3) In case of the illness or absence from Ontario of such commissioner the council may appoint another person possessing the like qualifications to act during such illness or absence and pending such appointment the commissioner may appoint such a person to act as his deputy for a period not exceeding two weeks. 1928, c. 39, s. 4. Illness or absence of commissioner.

(4) The commissioner may also from time to time appoint another person possessing like qualifications to act as his deputy for a period not exceeding one month, and such person when so acting shall have all the powers of the commissioner and shall be paid such sum for his services as the council may by by-law or resolution provide. 1936, c. 3, s. 18. Appointment of deputy commissioner.

**66.**—(1) In municipalities other than cities, if the council of the municipality consists of not more than five members, such five members shall be the court of revision for the municipality. Where council consists of five members only.

(2) If the council consists of more than five members, it shall appoint five of its members to be the court of revision. Where more than five.

(3) Three members of the court of revision shall be a quorum and a majority of a quorum may decide all questions before the court; but no members shall act when an appeal is being heard respecting any property in which he is directly or indirectly interested. R.S.O. 1927, c. 238, s. 65. Quorum.

**67.** Every member of the court of revision before entering upon his duties, shall take and subscribe, before the clerk of the municipality, the following oath (or affirmation in cases where, by law, affirmation is allowed): Oath of members of court of revision.

"I, \_\_\_\_\_, do solemnly swear (*or affirm*) that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals of the court of revision, which may be brought before me for trial as a member of said court."

R.S.O. 1927, c. 238, s. 66.

**68.** The clerk of the municipality shall be the clerk of the court, and shall keep in a book a record of the proceedings and decisions of the court, which shall be certified by the chairman of the court. R.S.O. 1927, c. 238, s. 67. Who to be clerk. Record of decisions.

Meetings  
of court.

**69.** The court may meet and adjourn, from time to time, at pleasure, or may be summoned to meet at any time by the head of the municipality; but the first sitting shall not be held until after the expiration of at least ten days from the expiration of the time within which notice of appeals may be given to the clerk of the municipality. R.S.O. 1927, c. 238, s. 68.

Court to  
try all  
complaints,  
etc.

**70.** At the time or times appointed, the court shall meet and try all complaints in regard to persons wrongly placed upon or omitted from the roll, or assessed at too high or too low a sum. R.S.O. 1927, c. 238, s. 69.

May  
administer  
oaths, etc.

**71.** The court, or some member thereof, may administer an oath to any party or witness, before his evidence is taken, and may issue a summons to any witness to attend such court. R.S.O. 1927, c. 238, s. 70.

Penalty for  
failure to  
attend as  
witness.

**72.** Any person summoned to attend the court of revision or before a county judge under the provisions of this Act as a witness who fails, without good and sufficient reason, to attend, having first been tendered compensation for his time at the rate of seventy-five cents per day and his proper travelling expenses if he resides more than three miles from the place of trial, or who having attended, or being present in court, refuses to be sworn, if required to give evidence, shall incur a penalty not exceeding \$25. R.S.O. 1927, c. 238, s. 71.

*Proceedings for the Trial of Complaints.*

Notice of  
complaint  
by person  
aggrieved.

**73.—(1)** Any person complaining of an error or omission in regard to himself, as having been wrongly inserted in or omitted from the roll, or as having been undercharged or overcharged by the assessor in the roll may personally, or by his agent give notice in writing to the clerk of the municipality (or to the assessment commissioner, if any), that he considers himself aggrieved for any or all of the causes aforesaid, and shall give a name and address where notices can be served by the clerk as hereinafter provided.

Time within  
which  
notices of  
appeal to  
the court  
are to be  
given.

**(2)** The notice shall be given to the clerk, or to the assessment commissioner, if any, within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll, in case the same is not returned within the time fixed for that purpose.

When  
elector  
thinks any  
person  
assessed at  
too low or  
too high a  
rate.

**(3)** If a person assessed thinks that any person has been assessed too low or too high, or has been wrongly inserted in or omitted from the roll, he may, within the time limited by subsection 2, give notice in writing to the clerk of the municipality or to the assessment commissioner, if any, and the

clerk shall give notice to such person and to the assessor, of the time when the matter will be tried by the court of revision; and the matter shall be decided in the same manner as complaints by a person assessed with regard to his own assessment.

(4) In the case of a town, village or township the court of revision shall receive as evidence of an application to have the name of any person entered on the roll who is temporarily absent from the municipality, an affidavit (Form 11) of some other person who has and deposes that he has personal knowledge of the matter set forth in the affidavit, if the affidavit is made not earlier than the 10th day next preceding the last day for making complaints to the court of revision and is delivered to the clerk before the time for making complaints has expired.

(5) The clerk of the court shall post up in some convenient and public place within the municipality or ward, a list of all complainants, on their own behalf, against the assessor's return, and of all complainants on account of the assessment of other persons, stating the names of each, with a concise description of the matter complained against together with an announcement of the time when the court will be held to hear the complaints.

(6) No alteration shall be made in the roll unless under a complaint formally made according to the above provisions.

(7) The clerk of the court shall enter the appeals on the list, in the alphabetical order of the names of the appellants, and the court shall proceed with the appeals in the order, as nearly as may be, in which they are so entered, but may grant an adjournment or postponement of any appeal.

(8) Such list may be in the following form:

Appeals to be heard at the Court of Revision to be held at  
on the                      day of                      , 19                      .

Appellant.	Respecting whom.	Matter complained of.
<i>A.B.</i> .....	Self .....	Overcharged on land.
<i>C.D.</i> .....	<i>E.F.</i> .....	Name omitted.
<i>G.H.</i> .....	<i>J.K.</i> .....	Not <i>bona fide</i> owner or tenant.
<i>L.M.</i> .....	Self .....	Income overcharged.
&c.	&c.	

(9) The clerk shall also advertise in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest municipality in which one is published, the time at which the court will hold its first sitting for the year, and the advertisement shall be published at least ten days before the time of such first sittings.

(10) The clerk shall also cause to be left at the residence or office of each assessor, a list of all the complaints respecting his roll.

and prepare  
notice to  
parties  
concerned.

(11) The clerk shall prepare a notice according to the form following for each person with respect to whom a complaint has been made:

Take notice that the Court of Revision will sit at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, in the matter of the following appeal.

Appellant

Subject:—That you are not the *bona fide* owner or tenant, or are overcharged in assessment on  
(as the case may be).

(Signed) X.Y.,  
Clerk.

To J.K. or J.S.

and he shall also notify each person who has made a complaint of the date of the sittings of the court.

Service to be  
at residence  
or place of  
business in  
municipality.

(12) If the person resides or has a place of business in the municipality, the clerk shall cause the notice to be left at the person's residence or place of business.

How  
absentees  
served.

(13) If the person is not known, then the notice shall be left with some grown-up person on the assessed premises, if there is any such person there resident; or if the person is not resident in the municipality, then the notice shall be addressed to such person through the post office.

When notice  
to be  
completed.

(14) Every notice hereby required whether by publication, advertisement, letter, or otherwise shall be completed at least six days before the sitting of the court, and the clerk shall certify to the court, at the first day of its sitting, the notices which have been so completed.

Clerk may  
require  
assistance  
in making  
services.

(15) Where necessary, the clerk of the municipality may, at the cost of the municipality, call to his aid such assistance as may be required to effect the services which he is required by law to make, and in the event of his failure to effect such services in time for the first sitting of the court, the court, in its discretion, may appoint an adjourned sitting, for the purpose of hearing the appeals for which the services were not effected in time for the first day, and the proper services shall be made for such adjourned day.

Power to  
adjourn.

Proceedings  
when person  
assessed  
complains of  
overcharge.

(16) If the person assessed complains of an overcharge on his taxable income, he or his agent may appear before the court and make a declaration, (Form 6), in case the complainant appears in person, if the complainant appears by agent, such agent may make the declaration, (Form 7), and the court shall thereupon enter the person assessed at such an amount of taxable income as is specified in such declaration, unless the court is dissatisfied with the declaration, in which case the person making the declaration, and any witnesses

Effect of  
declaration.



whom it may be desirable to examine, may be examined on oath by the court respecting the correctness of such declaration, and the court shall confirm, alter or amend the roll as the evidence seems to warrant.

(17) In other cases, the court, after hearing the complainant, and the assessor, or assessors, and any evidence adduced, and, if deemed desirable, the person complained against, shall determine the matter, and confirm or amend the roll accordingly, and the court may, in determining the value at which any land shall be assessed, have reference to the value at which similar land in the vicinity is assessed, and in all cases which come before the court it may increase the assessment or change it by assessing the right person, the clerk giving the latter or his agent four days' notice of such assessment, within which time he must appeal to the court if he objects thereto.

Proceedings  
in other  
cases.

(18) It shall not be necessary to hear upon oath the complainant or assessor, or the person complained against, except where the court deems it necessary or proper, or where the evidence of the person is tendered on his own behalf or required by the opposite party.

Oaths of  
certain  
parties not  
necessary.

(19) If either party fails to appear, either in person or by an agent, the court may proceed *ex parte*.

When to  
proceed  
*ex parte*.

(20) Where it appears that there are palpable errors in the roll of any municipality or of any ward which need correction, the court may at any time during its sitting correct the same, if no alteration of assessed values is involved, and if any alteration of assessed value is necessary, the court may extend the time for making complaints for ten days from a day named by the court and may then meet and determine the additional matter complained of, and the assessor may be or may be directed by the court to be, for such purpose, the complainant. (See also Section 54.)

Correction  
of errors.

(21) Subject to the provisions of sections 59 to 63 and to the provisions of any special Act affecting any particular municipality, all the duties of the court of revision, which relate to the matters aforesaid, shall be completed and the rolls finally revised by the court, before the 1st day of July in every year.

Business to  
be finished  
by July 1st.

(22) Upon an appeal upon any ground against an assessment, the court of revision may reopen the whole question of the assessment, so that omissions from, or errors in, the assessment roll may be corrected, and the accurate amount for which the assessment should be made and the person or persons who should be assessed therefor may be placed upon the roll by the court, and if necessary the roll of any particular ward or

Procedure  
upon  
appeals.

subdivision of the municipality, even if returned as finally revised may be opened so as to make the same correct in accordance with the finding of the court.

Alteration  
of roll by  
clerk.

(23) The clerk shall forthwith alter and amend the assessment roll in accordance with the decisions of the court of revision, and shall write his name or initials against every alteration or amendment. R.S.O. 1927, c. 238, s. 72.

Roll to be  
binding not-  
withstanding  
errors in it  
or in notice  
sent to  
persons  
assessed.

**74.** The roll, as finally passed by the court, and certified by the clerk as passed, shall, except in so far as the same may be further amended on appeal to the judge of the county court, be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 52, or the omission to deliver or transmit such notice, provided that the provisions of this section in so far as they relate to the omission to deliver or transmit such notice shall not apply to any person who has given the clerk or assessment commissioner the notice provided for in subsection 7 of section 52. R.S.O. 1927, c. 238, s. 73.

Copy of  
assessment  
roll duly  
certified to  
be evidence.

**75.** A copy of any assessment roll, or portion of any assessment roll, written or printed, and under the seal of the corporation, and certified to be a true copy by the clerk of the municipality, shall be received as *prima facie* evidence in any court of justice without proof of the seal or signature, or the production of the original assessment roll of which such certified copy purports to be a copy, or a part thereof. R.S.O. 1927, c. 238, s. 74.

#### *Appeals from the Court of Revision.*

Appeal lies  
from  
decision or  
refusal to  
decide.

**76.**—(1) An appeal to the county judge shall lie, at the instance of the municipal corporation, or at the instance of the assessor, or assessment commissioner, or at the instance of any person assessed or of any municipal elector of the municipality not only against a decision of the court of revision on an appeal to the said court, but also against any omission, neglect or refusal of the said court to hear or decide an appeal.

Service of  
notice of  
appeal.

(2) Subject to the provisions of sections 59 to 63, and to the provisions of any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or assessment commissioner, if any there be), within five days after the date herein limited for the closing of the court of revision, or in case the court shall sit to hear appeals after

the said date, then within five days after the closing of the court, a written notice of his intention to appeal to the county judge.

(3) The clerk shall, immediately after the time limited for filing said appeals, forward a list of the same to the judge, who shall then notify the clerk of the day he appoints for the hearing thereof, and shall, if in his opinion, the appeals or any of them appear to involve the calling or examination of witnesses, fix the place for holding such court within the municipality, from the court of revision of which such appeal is made, or at the place nearest thereto where the sittings of the division court within his jurisdiction are held.

Day for hearing.

Places for hearing appeals from courts of revision.

(4) The clerk shall thereupon give notice to all the persons appealed against in the same manner as is provided for giving notice on a complaint under section 73; but in the event of failure by the clerk to have the required service of the notices in any appeal made, or to have the same made in proper time, the judge may direct service to be made for some subsequent day upon which he may sit.

Clerk to notify parties.

(5) The clerk of the municipality shall cause a notice to be posted up in a conspicuous place in his office, or the place where the council of the municipality hold their sittings, containing the names of all the appellants and persons appealed against, with a brief statement of the ground or cause of appeal, together with the date at which a court will be held to hear appeals.

List of appellants, etc., to be posted up by clerk.

(6) The clerk of the municipality shall be the clerk of such court; and he shall keep, in the book referred to in section 68, a record of the decision of the judge upon each appeal.

Clerk of court.

(7) At the court so holden, the judge shall hear the appeals and may adjourn the hearing from time to time, and defer judgment thereon at his pleasure, but so that (subject to the provisions of sections 59 to 63, and to the provisions of any special Act affecting any particular municipality) all the appeals may be determined before the 1st day of August.

Hearing and adjournment.

(8) A subpoena to compel the attendance of any witness required before the county judge upon any appeal under this Act may be issued by the clerk of the county court of the county in which is situated the municipality whose assessment roll is in question, which said subpoena shall be tested as are other subpoenas issued out of the county court of the said county in actions therein and may be intituled as is provided in section 79. R.S.O. 1927, c. 238, s. 75.

Subpoena.

Assessment  
roll to be  
produced to  
the court,  
and  
amended,  
etc.

Amend-  
ments, how  
certified.

Powers of  
judge sitting  
in appeal  
from court  
of revision.

Appeal to  
county judge  
where  
question  
of fact  
involved.

Style of  
proceedings.

Costs to be  
apportioned  
by the judge  
and how  
enforced.

**77.** At the court to be holden by the county judge, or acting judge of the court, to hear the appeals hereinbefore provided for, the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll, and all papers and writings in his custody connected with the matter of the appeal, and such roll shall be altered and amended according to the decision of the judge, if then given, who shall write his initials against any part of the said roll in which any mistake, error or omission is corrected or supplied, and if the decision is not then given the clerk of the court shall, when the same is given, forthwith alter and amend the roll according to the same, and shall write his name or initials against every such alteration or correction, and shall forthwith by registered post notify the parties or their agents. R.S.O. 1927, c. 238, s. 76.

**78.**—(1) In all proceedings before the county judge, or acting judge of the court, under or for the purposes of this Act, such judge shall possess all such powers for compelling the attendance of, and for the examination on oath of all parties, whether claiming or objecting or objected to, and of all other persons whatsoever, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him in the county court.

(2) The hearing of the said appeal by the county judge shall, where questions of fact are involved, be in the nature of a new trial, and either party may adduce further evidence in addition to that heard before the court of revision subject to any order as to costs or adjournment which the judge may consider just. R.S.O. 1927, c. 238, s. 77.

**79.** All process or other proceedings by way of appeal may be intituled as follows:

In the Matter of Appeal from the Court of Revision of the  
, of

....., Appellant,  
and  
....., Respondent.

and the same need not be otherwise intituled. R.S.O. 1927, c. 238, s. 78.

**80.** The costs of any proceeding before the court of revision or before the judge as aforesaid shall be paid by or apportioned between the parties in such manner as the court or judge thinks fit, and where costs are ordered to be paid by any party claiming or objecting or objected to, or by any assessor, clerk of a municipality, or other person, payment of



the same shall be enforced, when ordered by the court of revision, by a distress warrant under the hand of the clerk and the corporate seal of the municipality, and when ordered by the judge by execution to be issued as the judge may direct, either from the county court or the division court within the county in which the municipality or assessment district, or some part thereof, is situated, in the same manner as upon an ordinary judgment for costs recovered in such court. R.S.O. 1927, c. 238, s. 79.

**81.** The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attendance, and none other, and the same shall be taxed according to the allowance in the division court for such costs, and in cases where execution issues, the costs thereof as in the like court, and of enforcing the same, may also be collected thereunder. R.S.O. 1927, c. 238, s. 80.

What costs chargeable.

**82.** County court judges shall be entitled to receive from the several municipalities as their expenses for holding courts in such municipalities other than the county town of the county in which the judge resides, for the purpose of hearing appeals from the court of revision, under the provisions of this Act, the same sums as they are allowed for holding courts for revising voters' lists. R.S.O. 1927, c. 238, s. 81; 1937, c. 8, s. 4.

Expenses of county judges on assessment appeals.

**83.** The decision and judgment of the judge or acting judge shall be final and conclusive in every case adjudicated upon, except that in the case of the assessment of a telephone company an appeal shall lie from such decision and judgment to the Ontario Municipal Board, and the procedure upon such appeal shall be the same as upon an appeal under section 84. R.S.O. 1927, c. 238, s. 82.

Decision of county judge to be final.

#### *Appeals Where Large Amounts Involved.*

**84.—(1)** Where a person is assessed to an amount aggregating in a municipality in territory without county organization \$10,000 or upwards and in any other municipality \$40,000 or upwards, an appeal shall lie from the decision of the judge to the Ontario Municipal Board, and any person who had appealed or was entitled to appeal from the court of revision to the judge or the municipal corporation, shall be entitled to make the appeal to the Board. R.S.O. 1927, c. 238, s. 83 (1); 1935, c. 3, s. 3.

Appeal to Municipal Board in certain cases.

**(2)** An appeal to the Board shall also lie where the amount though originally less than the sum mentioned in subsection 1 has been increased by the court of revision or by the judge so that it equals or exceeds that sum.

Idem.

Clerk to  
notify  
secretary of  
Board as to  
appeals.

(3) The clerk of the municipality shall forthwith by registered post notify the secretary of such Board of all notices of appeals coming within the provisions of this section, which are from time to time served upon him, and the secretary shall arrange a day for the hearing of such appeals, and shall notify the clerk thereof, and the clerk shall immediately by registered post notify the persons appealing.

Application  
of certain  
sections.

(4) Sections 76 to 83 and sections 85 and 86 shall apply to all appeals taken under subsection 1 or 2, provided that the written notice of the intention to appeal to the Board may be served upon the clerk of the municipality, or upon the assessment commissioner if there is one, at any time within twenty-one days after the delivery by the county judge of his decision in open court and, where judgment has been reserved by the county judge, then within twenty-one days after the clerk shall by registered post have notified the appellant or his agent of the decision of the county judge, and such Board shall have the powers and duties which by the said sections are assigned to a judge of the county court.

Questions  
which may  
be decided  
on appeal.

(5) The Board shall have power upon such appeal to decide not only as to the amount at which the property in question shall be assessed, but also all questions as to whether any persons or things are liable to assessment or exempt from assessment under the provisions of this Act.

Appeal from  
Board.

(6) An appeal shall lie from the decision of the Board under this section to the Court of Appeal upon all questions of law or the construction of a statute, a municipal by-law, any agreement in writing to which the municipality concerned is a party, or any order of the Board.

Procedure  
on appeals.

(7) The practice and procedure on the appeal to the Court of Appeal shall be the same *mutatis mutandis* subject to any rule of court or regulation of the Board as upon an appeal from a county court. R.S.O. 1927, c. 238, s. 83 (2-7).

Appeals to  
Court of Ap-  
peal in cer-  
tain matters.

**85.**—(1) An appeal shall lie to the Court of Appeal as hereinafter provided from the judgment of the judge on a question of law or the construction of a statute, a municipal by-law, any agreement in writing to which the municipality concerned is a party, or any order of the Ontario Municipal Board (except an order made under section 84).

Noting of  
question of  
law or con-  
struction by  
county  
judge.

(2) Any party desiring so to appeal to the Court of Appeal shall on the hearing of the appeal by the judge request the judge to make a note of any such question of law or construction, and to state the same in the form of a special case for the Court of Appeal.

(3) It shall be the duty of the judge to make a note of such request, and he may thereupon state such question in the form of a special case, setting out the facts in evidence relative thereto, and his decision of the same, as well as his decision of the whole matter.

Stating of  
special case  
by county  
judge.

(4) A copy of such special case, signed by the judge, shall be transmitted to the Court of Appeal, and the practice and procedure on the appeal shall be the same, *mutatis mutandis* as upon an appeal from a county court.

Transmit-  
ting special  
case to  
Court of  
Appeal.

(5) On the application of any party desiring to appeal, and on such notice to the other party and on such evidence as may seem proper to the Court of Appeal, that Court may if it sees fit direct the county judge to state a special case as in subsection 3 if the judge on the hearing before him refused to do so.

Direction by  
Court of  
Appeal to  
county judge  
to state  
special case.

(6) The statement of any such case, or the hearing or argument or other proceeding thereon shall not delay the final revision of the assessment roll or other proceedings thereon; but if by the judgment of the Court of Appeal upon the case stated it shall appear that any alteration should be made in the assessment roll respecting the assessment in question, the county judge on being certified thereof shall cause the proper entries to be made in the assessment roll to give effect to such judgment.

Statement of  
case not to  
affect rolls  
being  
prepared.

(7) Where an appeal lies from the decision of the judge to the Ontario Municipal Board under section 84 the judge shall not state a case under this section, unless all the parties consent and request him to do so and if a case is so stated an appeal shall not lie to the Ontario Municipal Board under section 84. R.S.O. 1927, c. 238, s. 84.

Statement of  
case where  
appeal lies  
to Ontario  
Municipal  
Board.

**86.** Upon an appeal upon any ground against an assessment the judge of the county court or the Ontario Municipal Board hearing an appeal under section 84, or the Court of Appeal, as the case may be, may reopen the whole question of the assessment, so that omissions from, or errors in, the assessment roll may be corrected, and the accurate amount for which the assessment should be made, and the person or persons who should be assessed therefor may be placed upon the roll by such judge, Board or Court, and, if necessary, the roll of any particular ward or subdivision of the municipality, even if returned as finally revised, may be opened so as to make the same correct in accordance with the findings of such judge, Board or Court. R.S.O. 1927, c. 238, s. 85.

Assessment  
to be open  
upon appeal.

Powers of county judge, court of revision, etc., as to assessment.

**87.** It is hereby declared that the court of revision, the county judge, the Ontario Municipal Board, and every court to which and every judge to whom an appeal lies under this Act have jurisdiction to determine not only the amount of any assessment, but also all questions as to whether any persons or things are or were assessable or are or were legally assessed or exempted from assessment. R.S.O. 1927, c. 238, s. 86.

Summarized statement of roll to be transmitted to county clerk.

**88.**—(1) When, after the appeal provided by this Act the assessment roll has been finally revised and corrected, the clerk of the municipality shall within ninety days transmit to the county clerk a summarized statement of the contents of the roll showing the total population of the municipality and the total assessment of each of the various classes of property liable to assessment, and when required to do so by the county judge or by resolution of the county council for the purpose of equalization or otherwise produce the original assessment roll of the municipality.

Penalty.

(2) For default in the performance of his duties under this section the clerk of the municipality shall incur a penalty of not less than \$10 and not more than \$20. R.S.O. 1927, c. 238, s. 87.

#### EQUALIZATION.

##### *County Valuers.*

County council may appoint valuers, their duties, etc.

**89.**—(1) The council of every county may appoint two or more valuers for the purpose of valuing the real property within the county, and it shall be their duty to ascertain in every fifth year at furthest, the value of the same in the manner directed by the county council, but the valuers shall not exceed the powers possessed by assessors, and the valuation so made shall be made by the county council the basis of equalization of the real property for a period not exceeding five years.

Equalization of real property.

Term for which valuation to be in force.

(2) The county council may, at or before the expiration of the said period, extend the time for a term not exceeding five years further and thereupon the valuation shall continue to be made the basis of equalization of the real property by the county council for such extended period.

Method of valuing by county valuers.

(3) When valuers have been appointed under this section the said valuers may ascertain the value of the said real property by inspecting and valuing from five to eight per centum of the different parcels of land in different parts of



each municipality in the county and upon such inspection and valuation the said valutors shall compare their valuations with the valuations in the last revised assessment roll made by the assessors of the several municipalities within the county and if upon such comparison it is found that the valuation of the county valutors nearly corresponds in the aggregate with the valuation upon the assessment roll of a municipality the valutors and afterwards the county council shall accept the assessment roll as correct for the purposes of county valuation.

(4) Where it is found that the valuations of particular lots made by the county valutors differ materially from the valuations of the same lots upon the assessment roll of a municipality, the county valutors shall add or deduct a corresponding percentage to or from the local assessment, and a similar method shall be followed with respect to the valuation of real property in towns and villages.

Where valuation differs from total assessment.

(5) The valutors shall attest their report on the value of the real property within the county by oath or affirmation in regard to the property actually inspected and valued by them in the same manner as assessors are required to verify assessment rolls. R.S.O. 1927, c. 238, s. 88.

Attestation of valutors' report.

**90.**—(1) The council of every county shall, yearly, and not later than the 1st day of July, examine the assessment rolls of the different townships, towns and villages in the county, for the preceding financial year, for the purpose of ascertaining whether the valuations made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between them; but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

Annual examination of assessment rolls by county councils for purpose of equalization.

(2) Within ten days after the equalization by-law has been passed by the county council, the county clerk shall transmit to the reeve and clerk of each municipality a copy thereof. R.S.O. 1927, c. 238, s. 89.

Notice of equalization to municipalities concerned.

**91.** If any municipality is dissatisfied with the action of any county council in increasing or decreasing, or refusing to increase or decrease the valuation of any municipality, the proceedings shall be as follows:

Appeal as to equalization of assessments.

1. The municipality so dissatisfied may appeal from the decision of the council at any time within twenty days after

Notice of appeal.

the passing of such by-law, by giving to the clerk of the county council notice in writing, which notice shall state whether the municipality appealing is willing to have the final equalization of the assessment made by the county judge.

County council may elect as to county judge acting.

2. Every county council, at the same session in which the assessment has been equalized, shall determine whether the said council is willing to have the final equalization of the assessment, in case of appeal, made by the county judge.

Notice to Provincial Secretary.

3. Upon receiving notice of appeal in case any party to the appeal has objected to the final equalization of the assessment being made by the county judge, the clerk of the county council shall forthwith notify in writing the Provincial Secretary of such objection, giving the name or names of the municipality or municipalities so objecting.

Appointment of court by Order-in-Council.

4. The Lieutenant-Governor in Council, upon receiving the notice in writing from the clerk of any county council, may appoint two persons, one of whom shall be the sheriff or registrar of the county in which the appeal is made, and the other a judge of another county, who together with the county judge shall form a court, and the said court shall at such time and place as the Lieutenant-Governor in Council may appoint, proceed to hear and determine the appeal either with or without the evidence of witnesses, or with such evidence as they may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the court shall equalize the whole assessment of the county and shall forthwith report the same to the county council.

Time for disposal of appeal.

5. It shall be the duty of the court to dispose of the appeal before the 1st day of January next after the appeal.

Fees of judge, sheriff and registrar.

6. The judge of the other county shall be entitled to a reasonable allowance for his services, the same not to exceed \$10 a day, besides his travelling and other expenses, and the county judge, sheriff, or registrar, shall also receive a reasonable sum, not to exceed \$10 each per day, and to be paid by the county.

Quorum.

7. Any two members of such court shall constitute a quorum, and such court may proceed and adjudicate upon such appeal, notwithstanding the office of sheriff or registrar or county judge is vacant.

Equalization by county judge.

8. Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the county judge, the clerk of the county council shall forthwith notify in writing the county judge, and the county judge shall appoint a day for hearing the appeal, not later

than ten days from the receipt of such notice of the appeal, and may on such day proceed to hear and determine the appeal, either with or without evidence of witnesses, or with such evidence as he may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the judge shall equalize the whole assessment of the county, and shall forthwith report the same to the county council.

9. It shall be the duty of the judge to dispose of the appeal before the 1st day of January next after the appeal.

Time for disposal of appeal.

10. The right of appeal shall exist whether county valuator have been appointed or not, and upon any such appeal the report of the county valuator shall be open to review by the court or judge as herein provided.

Appeal in cases of equalization of assessment.

11. The costs incurred in the prosecution and opposing of such appeal respectively shall be borne and paid as directed by the county judge or court as the case may be, and not otherwise, and shall be subject to taxation on the county court scale by the clerk of the county court of the said county.

Costs.

12. An appeal shall lie to the Court of Appeal from any judgment of a judge and from any report made by a court constituted under paragraph 4 on any question of law or the construction of a statute and if the judgment of the Court of Appeal reverses or varies the judgment of such judge or the report of such court, such judgment or report shall be varied so as to conform to the judgment of the Court of Appeal.

Appeal.

13. The procedure on such appeal shall be, as nearly as may be, the same as upon an appeal from a county court to the Court of Appeal. R.S.O. 1927, c. 238, s. 90.

Procedure on appeal.

**92.** If the clerk of the municipality has neglected to transmit a certified copy of the assessment roll, such neglect shall not prevent the county council from equalizing the valuations in the several municipalities according to the best information obtainable, and any rate imposed, according to the equalized assessment, shall be as valid as if the assessment rolls had been transmitted. R.S.O. 1927, c. 238, s. 91.

Effect of clerk of municipality omitting to send copy of roll.

**93.** The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the assessment of property equalized in the preceding year the basis upon which the apportionment is made. R.S.O. 1927, c. 238, s. 92.

Apportionment of county rates, how to be based.

Case of new municipalities.

**94.** Where boundaries of existing municipalities are changed, or where a new municipality is erected within a county so that there are no assessment or valuator's rolls of the new municipality for the next preceding year, the county council shall, by examining the rolls of the former municipality or municipalities of which the new municipality then formed part, ascertain, to the best of their judgment, what part of the assessment of the municipality or municipalities had relation to the new municipality, and what part should continue to be accounted as the assessment of the original municipality, and their several shares of the county tax shall be apportioned between them accordingly. R.S.O. 1927, c. 238, s. 93.

County councils to apportion sums required for county purposes.

**95.** Where a sum is to be levied for county purposes, or by the county for the purposes of a particular locality, the council of the county shall ascertain, and, by by-law, direct what portions of such sum shall be levied in each township, town or village in such county or locality. R.S.O. 1927, c. 238, s. 94.

County clerk to certify amounts to clerks of municipalities.

**96.** The county clerk shall forthwith after the county rates have been apportioned certify to the clerk of each municipality in the county, the total amount which has been so directed to be levied therein for the then current year, for county purposes, or for the purposes of any such locality, and the clerk of the municipality shall calculate and insert the same in the collector's roll for that year. R.S.O. 1927, c. 238, s. 95.

Act not to affect provisions for rates to raise interest on county debentures.

**97.** Nothing in this Act contained shall alter or invalidate any special provisions for the collection of a rate for interest on county debentures, whether such provisions are contained in any Municipal Act now or formerly in force in this Province, or in any Act respecting The Consolidated Municipal Loan Fund of Ontario, or in any general or special Act authorizing the issue of debentures, or in any by-law of the county council providing for the issue of the same. R.S.O. 1927, c. 238, s. 96.

County not to include income assessment in equalization.

**98.**—(1) Notwithstanding anything in this Act or any other special or general Act contained, income assessments of a local municipality forming part of a county shall not be included in any statement given to the county clerk, nor shall they be included in, but shall be excluded from, any valuation and equalization by a county council of rateable property in the county for any county purpose, and the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the equalized assessment of real property and business assessments only in the county.



(2) When under this Act or any other special or general Act any rate is directed or required to be levied in a local municipality forming part of a county for county purposes, the same shall in the local municipality be calculated and levied upon and against the whole rateable property including assessments of income within such local municipality according to the last revised assessment roll thereof. 1931, c. 51, s. 8.

Local municipality to levy county rates on all rateable property including income assessments.

#### COLLECTION OF TAXES.

**99.** The taxes due upon any land with costs may be recovered with interest as a debt due to the municipality from the owner or tenant originally assessed therefor and from any subsequent owner of the whole or any part thereof, saving his recourse against any other person, and shall be a special lien on the land in priority to every claim, privilege, lien or incumbrance of every person except the Crown, and the lien and its priority shall not be lost or impaired by any neglect, omission or error of the municipality or of any agent or officer, or by want of registration. R.S.O. 1927, c. 238, s. 97.

Who liable for taxes.

Taxes to be a lien upon lands.

**100.**—(1) The taxes payable by any person may be recovered with interest and costs, as a debt due to the municipality; in which case the production of a copy of so much of the collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the clerk of the municipality, shall be *prima facie* evidence of the debt.

Recovery of taxes by action.

(2) Where the amount claimed does not exceed \$200, an action to recover the same may be brought in a division court. R.S.O. 1927, c. 238, s. 98 (1, 2).

Recovery in division court.

(3) Notwithstanding any provision of *The Municipal Act* and subject to the provisions of section 125, every person assessed in respect of business or income upon any assessment roll which has been revised by the court of revision or county judge shall be liable for any rates which may be levied upon such assessment roll notwithstanding the death or removal from the municipality of the person assessed and notwithstanding that such rates are not levied until the year following that in which the assessment roll was revised. 1930, c. 46, s. 3 (7).

Liability for taxes on income and business in case of death or change of residence.

Rev. Stat., c. 266.

(4) If, notwithstanding his removal from the municipality, any person is under the provisions of subsection 3 liable for rates levied in any year upon an assessment in respect of income, such person shall not in the municipality to which he has removed be liable for rates levied by such latter municipality in the same year upon an assessment in respect of income. 1931, c. 51, s. 9.

Avoidance of double income taxation on removal.

Paying rent  
to collector  
or treasurer  
until taxes  
paid.

**101.** Where taxes are due upon any land occupied by a tenant, the collector or, after the roll has been returned, the treasurer may give such tenant notice in writing requiring him to pay such collector, or treasurer, the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid and costs, and the collector, or treasurer, shall have the same authority as the landlord of the premises would have to collect such rent by distress or otherwise to the amount of such unpaid taxes and costs; but nothing in this section contained shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from such tenant or from any other person liable therefor. R.S.O. 1927, c. 238, s. 99; 1933, c. 2, s. 7.

When tenant  
may deduct  
taxes from  
rent.

**102.** Any tenant may deduct from his rent any taxes paid by him which as between him and his landlord the latter ought to pay. R.S.O. 1927, c. 238, s. 100.

Provincial  
taxes.

**103.** All moneys assessed, levied, and collected under any Act by which the same are made payable to the Treasurer of Ontario, or other public officer for the public uses of Ontario, or for any special purpose or use mentioned in the Act, shall be assessed, levied and collected in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the collector's rolls in separate columns, in the heading whereof shall be designated the purpose of the rate. R.S.O. 1927, c. 238, s. 101.

#### COLLECTOR'S ROLLS.

Clerks of  
municipalities  
to make out  
collector's  
rolls; their  
form, con-  
tents, etc.

**104.**—(1) The clerk of every municipality shall make a collector's roll or rolls, as may be necessary, containing columns for all information, required by this Act or any other Act to be entered by the collector therein, and in such roll or rolls he shall set down the name in full of every person assessed, and in the proper columns in that behalf the amount for which he is assessed in respect of his real property and income and otherwise under this Act as ascertained after the final revision of the assessment roll, and he shall calculate, and, opposite the assessed value, he shall set down in one column to be headed "*County Rates*," the amount for which the person is chargeable for any sums ordered to be levied by the council of the county for county purposes, and in another column to be headed "*General Rate*," the amount with which the person is chargeable in respect of sums ordered to be levied by the council of the municipality for the purposes thereof, and including any special rate for collecting the principal or interest for the pay-

ment of debentures issued, and in other columns any local improvement rate or school rate or other special rate, or sums for the commutation of statute labour or any sum which is required by any other Act to be placed on the collector's roll the proceeds of which are required by law, or by the by-law imposing it, to be kept distinct and accounted for separately and every such last mentioned rate shall be calculated separately, and the column therefor shall be headed "*Special Rate*," "*Local Improvement Rate*," "*Public School Rate*," "*Separate School Rate*," or "*Special Rate for School Debts*," or as the case may be. R.S.O. 1927, c. 238, s. 102 (1).

(2) Notwithstanding anything contained in subsection 1 or in *The Public Schools or Separate Schools Acts*, the council of any city or town or township bordering on a city having a population of more than 50,000 may by by-law provide that the clerk shall set down the name in full of every person assessed and the assessed value of his real property, taxable business and income, as ascertained after the final revision of the assessment roll, and opposite such assessed value he shall set down in a column for that purpose the total amount for which the person is chargeable for all sums ordered to be levied by the said council or school boards for the purposes thereof. R.S.O. 1927, c. 238, s. 102 (2); 1933, c. 2, s. 8 (1).

Preparation of collector's roll.

Rev. Stat., cc. 357, 362.

(3) In a city or town the form of the collector's roll may be varied so as to allow the same to be adapted to mechanical methods of accounting and bookkeeping. 1931, c. 51, s. 10.

Variation of tax roll in cities and towns.

(4) Appended to every roll made up under subsection 2 there shall also be a table setting forth,—

Information to be given in tables appended to rolls.

(a) the total amount of taxes to be collected under and by virtue of such roll or rolls; and

(b) the name and amount of each rate levied by the municipality which is required by law or by the by-law imposing it, to be kept distinct and accounted for separately and specifying the aggregate proceeds of each rate;

(c) in case of the townships mentioned in subsection 2, the name and amount of each rate levied by the municipality for each school section;

and the clerk shall, before delivering the roll to the collector, furnish to the treasurer of the municipality a copy of such table. R.S.O. 1927, c. 238, s. 102 (3); 1933, c. 2, s. 8 (2).

(5) Where the council of a township mentioned in subsection 2 exercises the power set forth therein, a separate form

Tax bill,—use of separate.

of demand for taxes or tax bill may be provided for each school section whereon shall be written, printed or endorsed a table setting forth the particulars of each rate levied in the school section. 1933, c. 2, s. 8 (3).

Collector's  
roll to be  
certified by  
clerk.

**105.** The clerk shall attach to the roll a certificate signed by him according to the following form:

I do certify that the within (*or annexed, or attached, or as the case may be*) Roll is the Collector's Roll prepared according to the provisions of *The Assessment Act* for (*naming the municipality, or for* Ward No.                      of                      *as the case may be*) for the year 19                      .

A.B.

*Clerk of.....*

and shall deliver the roll so certified to the collector on or before the 1st day of October, or such other date as may be prescribed by by-law of the municipality. R.S.O. 1927, c. 238, s. 103.

Roll of non-  
residents in  
township.

**106.** The clerk of every township shall also make out a roll in which he shall enter the lands of non-residents assessed as provided in clause *j* of subsection 1 of section 23, together with the value of every lot, part of lot, or parcel, as ascertained after the revision of the roll, and he shall enter, opposite to each lot or parcel, all the rates or taxes with which the same is chargeable, in the same manner as is provided for the entry of rates and taxes upon the collector's roll, and he shall, on or before the 1st day of November, transmit the roll so made out, certified under his hand, to the treasurer of the county, but this section shall not apply to the Townships of York, Scarborough, and Etobicoke. R.S.O. 1927, c. 238, s. 104.

Correction  
of roll to  
carry out  
changes in  
assessment.

**107.** If corrections are made in the assessment roll, under subsection 22 of section 73 or under section 86, after the collector's roll or rolls for the municipality for the year for which such assessment has been made have been prepared, the clerk of the municipality shall alter or amend the collector's roll or rolls to correspond with the changes made by the court of revision, judge, board or Court under the said sections, and by inserting the proper rates therefor, and the rates or taxes shall be collectible in accordance with such corrected rolls in the same manner and with the like remedies as if the same had been in the rolls when first prepared and certified by the clerk of the municipality. R.S.O. 1927, c. 238, s. 105.

#### COLLECTORS AND THEIR DUTIES.

Duties of  
collectors.

**108.** The collector, upon receiving his roll, shall proceed to collect the taxes therein mentioned. R.S.O. 1927, c. 238, s. 106.



*Notice of Taxes to Residents.*

**109.**—(1) In cities, towns, villages and townships he shall call at least once on the person taxed, at his usual residence or place of business if within the municipality in and for which he has been appointed, and shall demand payment of the taxes; or he shall give to such person a written or printed notice specifying the amount of the taxes payable by him, by delivering the same, or causing the same to be delivered to him, or for him at his residence or place of business, or upon the premises in respect of which the taxes are payable. R.S.O. 1927, c. 238, s. 107 (1).

Demand or notice of taxes by collector.

(2) In cities, towns, townships and villages, the collector, clerk or treasurer may, if so authorized by by-law of the municipality (which by-law the council of the municipality is hereby empowered to pass), mail the notice or cause the same to be mailed to the address of the residence or place of business of such person. R.S.O. 1927, c. 238, s. 107 (2); 1931, c. 51, s. 11.

How may be given in cities, towns, townships, and villages.

(3) The written or printed notice above mentioned shall have written or printed thereon, a schedule specifying the different rates and the amount on the dollar to be levied for each rate, making up the aggregate of the taxes referred to in such notice, and also containing the information required to be entered in the collector's roll under section 104. R.S.O. 1927, c. 238, s. 107 (3).

Particulars to be given in tax notice.

**110.**—(1) The collector shall at the time of such demand or notice, as the case may be, or immediately thereafter, enter or cause to be entered on his roll opposite the name of the person taxed, the date of such demand or of the delivery or mailing of such notice.

Entry of date of giving notice.

(2) Every person so entering any such date shall append his initials thereto, and the entry shall be *prima facie* evidence of such demand or notice. R.S.O. 1927, c. 238, s. 108.

Initials to entries.

*Notice to Non-Residents.*

**111.** If any person whose name appears on the roll is not resident within the municipality, the collector shall transmit to him by post, addressed in accordance with the notice given by such non-resident, if notice has been given, a statement and demand of the taxes charged against him in the roll, and shall at the time of such transmission enter or cause to be entered the date thereof in the roll, opposite the name of such person, and such entry shall be *prima facie* evidence of such

Proceedings in case of non-residents.

transmission and of the time thereof, and the said statement and demand shall contain, written or printed on some part thereof, the name and post office address of such collector. R.S.O. 1927, c. 238, s. 109.

*Registration of Notice.*

Notice of address to which tax bills to be sent.

**112.** In case any person assessed, whether resident or non-resident, furnishes the assessment commissioner, or if none, the clerk, with a notice in writing giving an address to which the notice of taxes may be transmitted to him, and requesting that the same be transmitted to such address by registered letter, the commissioner or clerk shall enter the words "to be registered" on the roll opposite the name of such person and the notice shall be so transmitted by the collector, who shall add to the taxes the cost of registration, to be paid by such person as part of his taxes, and any such notice so given to the commissioner or clerk shall stand until revoked in writing. R.S.O. 1927, c. 238, s. 110.

*By-laws as to Mode of Payment of Taxes.*

By-laws requiring taxes to be paid into office of treasurer or collector.

**113.**—(1) In cities, towns, townships or villages, the council may by by-law require the payment of taxes, including local improvement assessments, sewer rents and rates, and of other rents or rates payable as taxes, to be made into the office of the treasurer or collector by any day or days to be named therein, in bulk or by instalments, and may provide that on the punctual payment of any instalment the time for payment of the remaining instalment or instalments shall be extended to a day or days to be named, or may provide that in default of payment of any instalment by the day named for payment thereof, the subsequent instalment or instalments shall forthwith become payable. R.S.O. 1927, c. 238, s. 111 (1).

Payments by instalments.

Discount on punctual payment of taxes.

(2) The council may also by by-law allow a discount for the payment of such taxes or any class of taxes or of any instalment thereof on or before a day or days therein named and may impose an additional percentage charge for non-payment of such taxes or any class of taxes or of any instalment thereof by a day or days named in such by-law provided that no greater percentage charge than four per centum shall be imposed on any instalment of taxes, or on the aggregate amount of taxes, and such additional percentage charge shall be added to such unpaid tax, or assessment, rent or rate, or instalment thereof, and shall be collected by the collector or otherwise, as if the same had been originally imposed and formed part of such unpaid tax, or assessment, rent, or rate, or instalment thereof. R.S.O. 1927, c. 238, s. 111 (2); 1935, c. 3, s. 4 (1).

(3) Such additional charge may by the by-law be provided for on the basis of a sliding scale corresponding with the length of time default is made, but so as not in the aggregate to exceed four per centum as aforesaid R.S.O. 1927, c. 238, s. 111 (3); 1935, c. 3, s. 4 (2).

Charge may be on sliding scale.

(4) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes, and to allow a discount on any taxes so paid in advance at a rate not exceeding six per centum per annum, notwithstanding that the taxes for such year have not been levied, or that the assessment roll on which said taxes are to be fixed and levied has not been adopted by the council, when any such advance payment is made. R.S.O. 1927, c. 238, s. 111 (4); 1935, c. 3, s. 4 (3).

Payment of taxes in advance and discount allowance.

(5) In case a by-law is passed providing for payment by instalments or allowing any such discount or imposing any such additional percentage charge, a notice shall be given in accordance with section 109 on which shall be written or printed a concise statement of the time and manner of payment and of the discount allowed or the percentage charge imposed, if any, and at any time within fourteen days after such notice has first been given, in accordance with section 109, any person may take advantage of the provisions of such by-law as to payment by instalments or with the discount allowed thereby, or without the additional percentage charge imposed thereby, as the case may be.

Notice as to time and mode of payment.

(6) Where, in accordance with this section, a percentage is added to unpaid taxes, the by-laws shall not be repealed before the return of the collector's roll. R.S.O. 1927, c. 238, s. 111 (5, 6).

By-law to be in force till return of collector's roll.

(7) The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in the by-law shall be by the collector of taxes or by the person charged with the payment thereof paid into such chartered bank of Canada, as the council shall by such by-law direct, to the credit of the treasurer of the municipality, and in such case the person making the payment shall obtain a receipt from the bank therefor, and the treasurer or collector of taxes shall make the proper entries therefor in the books of the municipality. 1931, c. 51, s. 12.

Provision for payment of taxes into bank.

(8) The council of any municipality may by by-law authorize the treasurer and the collector of taxes to accept part payment from time to time on account of any taxes due and

By-law to authorize part payment of taxes due.

to give a receipt for such part payment, provided that acceptance of any such part payment shall not affect the collection of any percentage charge imposed and collectible under subsection 2 in respect to non-payment of any taxes or any class of taxes or of any instalment thereof. 1931, c. 51, s. 13.

*Distress for Recovery of Taxes.*

Distress and sale for taxes which are a charge on land.

**114.**—(1) Subject to the provisions of section 113, in case taxes which are a lien on land remain unpaid for fourteen days after demand or notice made or given pursuant to section 109, 111, or 113, the collector or, where there is no collector, the treasurer may by himself or his agent (subject to the exemptions and provisoes hereafter in this section mentioned), levy the same with costs by distress,—

On goods of persons taxed.

1. upon the goods and chattels, wherever found within the county in which the municipality lies, belonging to, or in the possession of the owner or tenant of the land whose name appears upon the collector's roll (who is hereinafter called "the person taxed");

On interest of person taxed in goods on the land.

2. upon the interest of the person taxed in any goods on the land, including his interest in any goods to the possession of which he is entitled under a contract for purchase, or a contract by which he may or is to become the owner thereof upon performance of any condition;

Goods of owner.

3. upon the goods and chattels of the owner of the land found thereon, though his name does not appear upon the roll;

Goods on land claimed by certain persons.

4. upon any goods and chattels on the land, where title to such goods and chattels is claimed in any of the ways following,—
  - (a) by virtue of an execution against the person taxed or against the owner, though his name does not appear on the roll; or
  - (b) by purchase, gift, transfer or assignment from the person taxed, or from such owner, whether absolute or in trust, or by way of mortgage, or otherwise; or
  - (c) by the wife, husband, daughter, son, daughter-in-law or son-in-law of the person taxed, or of such owner, or by any relative of his, in case such relative lives on the land as a member of the family; or



(d) by virtue of any assignment or transfer made for the purpose of defeating distress;

provided that where the person taxed or such owner is not in possession, goods and chattels on the land not belonging to the person taxed or to such owner, shall not be subject to seizure, and the possession by the tenant of the said goods and chattels on the premises shall be sufficient *prima facie* evidence that they belong to him; provided also, that no distress shall be made upon the goods and chattels of a tenant for any taxes not originally assessed against him as such tenant; provided also, that in cities and towns no distress for taxes in respect of vacant land shall be made upon goods or chattels of the owner except upon the land.

Exception where person taxed not in possession.

Case of tenant.

Taxes on vacant land in cities and towns.

(2) Subject to the provisions of section 113, in case of taxes which are not a lien on land remaining unpaid for fourteen days after demand or notice made or given pursuant to section 109, 111 or 113, the collector, or where there is no collector, the treasurer, may by himself or his agent (subject to the exemptions provided for in subsection 4) levy the same with costs by distress,—

Distress for taxes not a lien on land.

1. upon the goods and chattels of the person taxed wherever found within the county in which the municipality lies for judicial purposes;
2. upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase, or a contract by which he may or is to become the owner thereof upon performance of any condition;
3. upon any goods and chattels in the possession of the person taxed where title to the same is claimed in any of the ways defined by sub-clauses *a*, *b*, *c*, and *d* in subsection 1 of this section, and in applying the said sub-clauses they shall be read with the words "or against the owner though his name does not appear on the roll," and the words "or such owner," and the words "on the land" omitted therefrom;
4. upon goods and chattels which at the time of making the assessment were the property and on the premises of the person taxed in respect of business assessment and at the time for collection of taxes are still on the same premises, notwithstanding that such goods and chattels are no longer the property of the person taxed.

Case of  
goods in  
possession  
of ware-  
houseman.

(3) Notwithstanding anything in subsections 1 and 2, no goods which are in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes, and provided further that goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding-up order shall be liable only for the taxes of the assignor or of the company which is being wound up, and for the taxes upon the premises in which the said goods were at the time of the assignment or winding-up order, and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon.

Case of  
goods in  
possession of  
assignee or  
liquidator.

Goods  
exempt from  
distress.

(4) The goods and chattels exempt by law from seizure under execution shall not be liable to seizure by distress.

Exemption  
to be  
claimed.

(5) The person claiming such exemption shall select and point out the goods and chattels as to which he claims exemption.

Levy of  
taxes under  
warrant.

(6) If at any time after demand has been made or notice given pursuant to section 109, 111 or 113, and before the expiry of the time for payment of the taxes, the collector, or, where there is no collector, the treasurer has good reason to believe that any person in whose hands goods and chattels are subject to distress under the preceding provisions, is about to remove such goods and chattels out of the municipality before such time has expired, and makes affidavit to that effect before the mayor or reeve of the municipality, or before any justice of the peace, the mayor, reeve or justice shall issue a warrant to the collector or treasurer, authorizing him to levy for the taxes and costs, in the manner provided by this Act although the time for payment thereof may not have expired, and the collector or treasurer may levy accordingly.

Case of city.

(7) A city shall for the purposes of this section be deemed to be within the county of which it forms judicially a part.

Costs.

(8) The costs chargeable in respect of any such distress and levy shall be those payable to bailiffs under *The Division Courts Act*.

Rev. Stat.,  
c. 107.

Prohibition.

(9) No person shall make any charge for anything in connection with any such distress or levy unless such thing has been actually done.

Penalty.

(10) In case any person offends against the provisions of subsection 9 or levies any greater sum for costs than is authorized by subsection 8, the like proceedings may be taken against him by the person aggrieved, as may be taken by the

party aggrieved in the cases provided for by sections 3 to 5 of *The Costs of Distress Act*. Rev. Stat., c. 122.

(11) Where personal property liable to seizure for taxes as hereinbefore provided is under seizure or attachment or has been seized by the sheriff or by a bailiff of any court or is claimed by or in possession of any assignee for the benefit of creditors or liquidator or of any trustee or authorized trustee in bankruptcy or where such property has been converted into cash and is undistributed, it shall be sufficient for the tax collector to give to the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy, notice of the amount due for taxes, and in such case the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy shall pay the amount of the same to the collector in preference and priority to any other and all other fees, charges, liens or claims whatsoever. R.S.O. 1927, c. 238, s. 112. Notice of taxes where goods under seizure.

(12) Where the person making any such distress and levy is a salaried employee of the municipal corporation, the costs in respect to such distress and levy shall belong to the corporation. 1929, c. 63, s. 6. Costs of distress,—when to belong to corporation.

**115.** No defect, error or omission in the form or substance of the notice required by section 109, 111 or 113 shall invalidate any subsequent proceedings for the recovery of the taxes. R.S.O. 1927, c. 238, s. 113. Informalities not to invalidate subsequent proceedings.

**116.** The collector shall, by advertisement posted up in at least three public places in the township, village or ward wherein the sale of goods and chattels distrained is to be made, give at least six days' public notice of the time and place of sale, and of the name of the person whose property is to be sold, and, at the time named in the notice, the collector or his agents shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary. R.S.O. 1927, c. 238, s. 114. Public notice of sale to be given, and in what manner.

**117.** If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person, on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, such surplus shall be returned to the person in whose possession the property was when the distress was made. R.S.O. 1927, c. 238, s. 115. Surplus, if unclaimed, to be paid to party in whose possession the goods were;

**118.** If such claim is made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant. R.S.O. 1927, c. 238, s. 116. or to admitted claimant.

When the  
right to such  
surplus  
contested.

**119.** If the claim is contested, such surplus shall be paid by the collector to the treasurer of the municipality, who shall retain the same until the respective rights of the parties have been determined by action or otherwise. R.S.O. 1927, c. 238, s. 117.

Dates for  
return of  
collector's  
roll.

**120.**—(1) Subject to the provisions of subsections 2 and 3, every collector shall return his roll to the treasurer on or before the 14th day of December in each year, or on such day in the next year not later than the 1st day of February, or in the case of the Township of Pelee Island, not later than the 1st of June, as the council of the municipality may appoint.

In towns  
and villages.

(2) In towns and villages to which any by-law passed pursuant to sections 59 to 63 applies, every collector shall return his roll to the treasurer on or before the 30th day of April in the second year following the completion of the assessment roll, or such earlier date in that year as the council may appoint.

In cities.

(3) The council of every city may by by-law fix the times for the return of the collector's rolls, and may make any enlargements of the time so fixed.

Collectors of  
cities, towns  
and villages  
to pay to  
treasurer  
weekly.

(4) The collector of every city, town and village shall pay over to the treasurer of such city, town or village once every week until the final return of the roll, the total amount collected during the preceding week.

Collector of  
township to  
pay to  
treasurer  
every two  
weeks.

(5) The collector of every township shall pay over to the treasurer of such township once in every two weeks until the final return of the roll, the total amount collected during the preceding two weeks. R.S.O. 1927, c. 238, s. 118.

Oath of  
collector on  
returning  
roll.

**121.**—(1) At or before the return of his roll, every collector shall make oath in writing that the date of every demand of payment or notice of taxes required by sections 109 to 113, and every transmission of statement and demand of taxes required by section 111 entered by him in the roll, has been truly stated therein.

Idem.

(2) Every other person who has delivered or mailed a notice pursuant to section 109, 111 or 113 shall in like manner at or before the return of the roll make oath that the date of the delivery or mailing of every such notice by him, has been truly stated in the roll.

Form of  
oath, etc.

(3) Every such oath may be according to Form 8 and shall be written on or attached to the roll and may be taken before the treasurer, or before any of the persons mentioned in section 233. R.S.O. 1927, c. 238, s. 119.



**122.**—(1) In case the collector fails or omits to collect the taxes or any portion thereof by the day appointed or to be appointed as in section 120 mentioned, the council may, by resolution, authorize the collector, or some other person in his stead, to continue the levy and collection of the unpaid taxes, in the manner and with powers provided by law for the general levy and collection of taxes.

Case of failure of collector to collect.

(2) No such resolution or authority shall alter or affect the duty of the collector to return his roll, nor shall, in any manner whatsoever, invalidate or otherwise affect the liability of the collector or his sureties. R.S.O. 1927, c. 238, s. 120.

Duty as to return not affected.

**123.**—(1) The council of any local municipality instead of making an assessment of income as hereinbefore in this Act provided, may pass by-laws requiring every person liable to assessment in respect of income to furnish to the assessment commissioner or assessor within the time fixed by the by-law a statutory declaration according to the form referred to in subsection 2 of section 17, showing the income received during the year ending on the 31st day of December then last past, and providing for the entry of the names of all such persons, whether or not they have furnished such declaration to the assessment commissioner or assessor, and the amount of the taxable income of each such person in a special roll of taxable income, and for levying upon the said taxable income according to such roll the rate in subsection 2 set forth, and for providing for payment of the rate so levied either in bulk or in instalments at such time or times as may be fixed by the by-law.

Special income tax roll in lieu of income assessment.

(2) The rate mentioned in subsection 1 shall be the same as the rate levied in the current year upon real property, if such rate has been levied prior to the completion of the said special roll of taxable income and its return to the collector of taxes, or if the said rate for the current year on real property has not been levied at the time of the completion of the said special roll and its return to the collector of taxes, the rate mentioned in subsection 1 shall be the rate levied upon real property in the next preceding year.

Tax rate for income.

(3) The rates levied on any special roll of taxable income shall be payable and may be recovered in the same way as other rates.

Recovery of rates.

(4) The assessment commissioner or assessor shall not be bound by any statement contained in the said statutory declaration, but shall enter in the said special roll of taxable income the name of every person who, in his opinion, was in receipt of taxable income during the year then last past and the amount of such taxable income which, in his opinion, such person re-

Contents of rolls.

ceived in such year, and the assessment commissioner or assessor shall also enter in the said special roll of taxable income opposite each name the letter "P" or the letter "S" indicating that such person is a public school supporter or a separate school supporter.

Information  
not to be  
communicated.

(5) Except when examined as a witness before a court, no assessor, assessment commissioner, assistant or other person employed by the corporation of the municipality shall communicate or allow to be communicated to any person except to the solicitor of the corporation in the discharge of his duty any information obtained under the provisions of this section or allow any person to inspect or have access to any written statement furnished under the provisions of this section and no person other than the assessor or assessment commissioner, treasurer or collector and their assistants shall be entitled to any information respecting the assessment of any person, and every person who contravenes this subsection shall incur a penalty not exceeding \$200.

Penalty.

Exemptions.

(6) In determining the amount of taxable income of any person any exemptions to which such person is entitled shall apply as of the year in which the income was received.

Collector's  
duties.

(7) Upon completion of the said special roll of taxable income, the assessment commissioner or assessor shall forward the same to the clerk, who shall, at the rate mentioned in subsection 2, calculate and set down opposite the respective amounts of taxable income entered in the roll the amount of income tax with which the person is chargeable in a manner similar to that in which a collector's roll is made under section 104, and when the special roll is rated, the clerk shall deliver the same to the collector, who shall proceed to collect the taxes therein mentioned in the same manner as other taxes.

Appeal  
against  
income  
taxation.

(8) A person whose name is entered in the special roll of taxable income shall not be entitled to notice of such entry, but, upon receipt from the collector of demand for payment of the said rate upon the amount for which he is taxable according to said roll, shall have in respect thereto the right of appeal provided in this Act in the case of assessments, but no such appeal shall relieve him from payment of any additional charge imposed for non-payment upon the date or dates fixed by the by-law of the said rate upon his taxable income as it may be fixed after such appeal, and no appeal shall lie from the decision of the county court judge on any such appeal.

Manner  
in which  
demand to  
be made by  
collector.

(9) Every demand issued by the collector pursuant to the provisions of this section shall be written or printed and shall

contain a notice as to the right of appeal provided in subsection 8 in the form similar to the notice of appeal set forth in Form 4.

(10) The aggregate amount shown in the special roll of taxable income as the same may be altered after appeal to the court of revision and the county court judge, shall be added to and form, part of the revised assessment roll for all purposes. 1934, c. 1, s. 8, *part*. Revised assessment roll.

(11) Notwithstanding any provision of *The Municipal Act* or of this Act or of any other Act or of any by-law, where a council has passed a by-law under the authority of this section, it shall not be necessary for such council to levy rates on the whole rateable property according to the last revised assessment roll, but the rates required to be levied in each year may be levied either before or after the completion of the special roll of taxable income upon such rateable property, exclusive of income assessment, and upon the taxable income entered in such special roll, and where such rates are levied before the completion of the special roll of taxable income, the council may for the purpose of fixing such rates, estimate the amount of income that will be entered in such special roll, provided that when a rate has been levied in any year either under the authority of this section or upon income included as rateable property in the last revised assessment roll, no other rate upon income shall be levied by the council for the same purposes in the same year. 1935, c. 3 s. 5 (1). Levying of the rate. Rev. Stat., c. 266. Proviso.

(12) Income received in the year in which a by-law is passed under subsection 1 for the purpose of bringing the provisions of this section into effect shall be subject to the provisions of this section and of such by-law, notwithstanding that such income or any part thereof may have been received before the provisions of this section take effect. 1934, c. 1, s. 8, *part*. First effect of by-law.

**124.**—(1) Notwithstanding the provisions of this Act, the council of any municipality may by by-law provide for taking the assessment of business separately from the time for taking the assessment of real property, and for taking the same during such time of the year in which the rates of taxation thereon are to be levied as the by-law may provide. Business assessment roll.

(2) Any such by-law shall provide for the time when the roll for such business assessment shall be returned, for the holding of a court of revision for hearing appeals from any assessment therein in manner provided by this Act upon the return of such assessment roll to the clerk, and the time for appeal to the court of revision shall be within ten days after the last day fixed for return of the said roll and the time for Procedure.

appealing from the court of revision to the county judge shall be within three days after the decision of the court of revision is given.

Inclusion of  
business  
assessment  
with revised  
assessment  
roll.

(3) The assessment of business so made and completed in any year, whether or not it is completed by the time provided by the by-law, shall upon its final revision, be the assessment of business on which the rates of taxation upon business for such year shall be levied by the council and the assessment roll thereof with the assessment roll of real property and other assessments made for the same year shall when both thereof are finally revised together form the last revised assessment roll of the whole rateable property within the municipality within the meaning and for the purposes of this Act, *The Municipal Act* and any other general or special Act.

Rev. Stat.,  
c. 266.

Time for  
payment of  
business tax.

(4) The said council may provide that taxation upon business assessment may be made payable at times different from those at which other taxation is made payable. 1936, c. 3, s. 19.

Application  
to court of  
revision for  
cancellation  
or reduction  
of taxes.

**125.**—(1) An application to the court of revision for the cancellation or reduction of taxes may be made by any person assessed,—

- (a) for a tenement which remained vacant during more than three months in the year in which the assessment was made; or
- (b) who declares that from sickness or extreme poverty he is unable to pay his taxes; or
- (c) who by reason of any gross or manifest error in the assessment roll has been overcharged; or
- (d) for business, who has not carried on such business for the whole year in which the assessment was made;

and the court of revision subject to the provisions of any by-law governing clauses *a*, *b* and *c* may cancel or reduce the taxes or reject the application. 1929, c. 63, s. 7, *part*.

Time for  
making  
application.

(2) In the case of a municipality in which the assessment is made in one year for the following year, the application may be made at any time during such following year, and in the case of any other municipality at any time after the person assessed has received notice of taxes and before the 1st day of July in the following year, and five days' notice in writing shall be given to the clerk of the municipality of the application. 1929, c. 63, s. 7, *part*; 1930, c. 46, s. 3 (8).

Appeal  
under  
clause *d*.

(3) There shall be no appeal from the decision of the court of revision under clause *a*, *b* or *c* but an appeal may be had



to the county judge by such person or by the municipality from any decision of the court of revision made under clause *d*.

(4) Where any person makes application for the reduction of taxes on a business assessment, the court of revision may on notice to such person direct that a proper proportion of the taxes be levied against the tenant or person who occupied the premises and carried on business there in the year in which the assessment was made, for the time during which the said tenant was in occupation, although the name of such tenant or person does not appear on the assessment roll in respect of said premises, and in determining the amount payable, regard shall be had to the nature of the business carried on. 1929, c. 63, s. 7, *part*.

Tenant though not on roll may be required to pay part of taxes.

(5) An application under clause *a* of subsection 1 may be made by any person assessed, or by a mortgagee or subsequent purchaser who has been in possession of a tenement which has remained vacant during such possession, and may be made in respect of taxes which have been paid, and in such cases the court of revision, subject to the provisions of any by-law, may reject the application or may cancel or reduce the taxes, or order that the corporation refund a portion of the taxes paid, and the corporation may refund the same accordingly, and if the application is made by a mortgagee or subsequent purchaser who paid the taxes, the refund shall be made to such mortgagee or subsequent purchaser. 1936, c. 3, s. 20 (1).

Applications in respect to vacant tenements.

(6) The council may by by-law provide that the cancellation, reduction or ordering of refunds of taxes under clause *a*, *b* or *c* of subsection 1, or under subsection 5, by the court of revision shall be subject to such restrictions and limitations, and be applicable only to such classes of properties as the by-law may set forth. 1936, c. 3, s. 20 (2).

By-law respecting cancellations and refunds, etc.

**126.**—(1) If any of the taxes mentioned in the collector's roll remain unpaid, and the collector is not able to collect the same, he shall deliver to the treasurer of his municipality an account of all the taxes on the roll remaining unpaid, and, in such account, the collector shall show, opposite to each assessment, the reason why he could not collect the same, by inserting in each case the words "*Non-resident*" or "*Not sufficient property to distrain,*" or "*Instructed by Council not to collect,*" or "*Instructed by Council to return not collected,*" or as the case may be.

Proceedings when taxes are unpaid, and cannot be collected.

(2) Subject to subsection 3, the collector shall at the same time furnish the clerk of the municipality with a duplicate of such account, and the clerk shall, upon receiving the same, mail

Duplicate of account for clerk.

a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year.

In cities.

(3) In cities the treasurer shall give the notice hereinbefore directed to be given by the clerk. R.S.O. 1927, c. 238, s. 122.

When there is not sufficient distress on lands.

**127.** If there is not sufficient distress upon any of the occupied lands or lands built upon, in section 135 mentioned, to satisfy the total amount of taxes charged against the same, as well for arrears as for the taxes of the current year, the collector shall so return it in his roll to the treasurer of the municipality, showing the amount collected, if any, and the amount remaining unpaid, and stating the reason why payment has not been made. R.S.O. 1927, c. 238, s. 123.

When taxes not collected, collectors to be credited with amount.

**128.**—(1) Upon making oath before the treasurer that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover sufficient goods or chattels subject to distress under section 114, whereon he could levy the same or any part thereof, the collector shall be credited with the amount not realized.

Qualification of oath re vacant land.

(2) In cities and towns and any other municipalities having power to sell lands for non-payment of taxes, the collector of taxes may qualify the oath, by subsection 1 directed to be made by him, by showing that in respect of vacant land, he has not attempted to distrain upon the goods and chattels of the owner except upon such vacant land. R.S.O. 1927, c. 238, s. 124.

#### ARREARS OF TAXES ACCRUED ON LAND.

Statement of arrears to be prepared by treasurer.

**129.**—(1) The treasurer of every township and village shall, within fourteen days after the time appointed for the return and final settlement of the collector's roll, and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the said collector's roll or by school trustees to be collected.

Contents of statement.

(2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, on lands of non-residents which have become occupied, as required by section 135, and the county treasurer shall not be bound to receive any such statement after the 8th day of April in each year.

Other information.

(3) The treasurer in such statement and both he and all other officers of the municipality shall from time to time furnish to the county treasurer such other information as the county treasurer may require and demand in order to enable

him to ascertain the just tax chargeable upon any land in the municipality for that year. R.S.O. 1927, c. 238, s. 125.

**130.** If two or more municipalities, having been united for municipal purposes, are afterwards disunited, or if a municipality or part of a municipality is afterwards added to or detached from any county, or to or from any other municipality, the county or other treasurer shall make corresponding alterations in his books, so that arrears due on account of any parcel or lot of land, at the date of the alteration, shall be placed to the credit of the municipality within which the land after such alteration is situate. R.S.O. 1927, c. 238, s. 126.

Municipalities united and afterwards disunited, etc.

**131.** The county or other treasurer shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears, from whatever rates arising, shall be taken together and form one charge on the land. R.S.O. 1927, c. 238, s. 127.

All arrears to form one charge upon lands.

**132.**—(1) After the collector's roll has been returned to the treasurer of a township or village, and before such treasurer has furnished to the county treasurer the statement mentioned in section 129, arrears of taxes may be paid to such local treasurer; but after the said statement has been returned to the county treasurer, no more money on account of the arrears then due shall be received by any officer of the municipality to which the roll relates.

After return of roll who to receive taxes.

(2) The collection of arrears shall thenceforth belong to the treasurer of the county alone, and he shall receive payment of such arrears, and of all taxes on lands of non-residents, and he shall give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section 144. R.S.O. 1927, c. 238, s. 128.

Collection of arrears to belong to county treasurer only.

**133.** The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land; but no such payment shall be received after the land has been advertised for sale for arrears of taxes. R.S.O. 1927, c. 238, s. 129.

Receiving payments on account of arrears.

#### *Duties of Treasurers, Clerks and Assessors in Relation Thereto.*

**134.** The treasurer of every county shall furnish to the clerk of each municipality in the county except those whose officers have power to sell lands for arrears of taxes, and the

Lists of lands three years in arrears for taxes to be furnished to clerks.

treasurer of every such last mentioned municipality shall furnish to the clerk of the municipality (or in cities having an assessment commissioner, the treasurer of the city shall furnish to the assessment commissioner) a list of all the lands in the municipality in respect of which any taxes have been in arrears for the three years next preceding the 1st day of January in any year, and the said list shall be so furnished on or before the 1st day of February in every year, or fifteen days before such other date as may be fixed by any by-law passed under sections 59 to 63 for the assessor to begin to make his assessment roll and shall be headed in the words following: "*List of lands liable to be sold for arrears of taxes in the year 19*," and, for the purpose of the computation of such three years, the taxes for each year shall be deemed to have been in arrears on and from the 1st day of January in such year. R.S.O. 1927, c. 238, s. 130.

Clerks to keep the lists in their offices open to inspection, give copies to assessors, notify occupants, etc.

**135.**—(1) The clerk of the municipality or assessment commissioner is hereby required to keep the said list, so furnished by the treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver a copy of such list to the assessor of the municipality in each year as soon as he is appointed, and it shall be the duty of the assessor to ascertain if any of the lots or parcels of land contained in such lists are occupied or built upon or are incorrectly described, and to notify such occupants and also the owners thereof, if known, whether resident within the municipality or not, upon their respective assessment notices, or otherwise, that the land is liable to be sold for arrears of taxes, and to enter in a column to be reserved for the purpose the words "*Occupied or Built upon and Parties Notified,*" or "*Not occupied,*" or "*Incorrectly described,*" or as the case may be, and all such lists shall be signed by the assessor, verified as provided in subsection 2, and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the clerk shall compare the entries in the assessor's return with the assessment roll and report any differences to the assessor for verification, and the clerk shall transmit such lists and any such memorandum forthwith to the treasurer of the municipality if the municipality is one whose officers have power to sell lands for arrears of taxes, or in other cases to the county treasurer, and the treasurer in either case shall attach the seal of the corporation to such lists and file the same in his office for public use, and every such list or copy thereof shall be received in any court as evidence, in any case arising concerning the assessment of such lands.



(2) The assessor shall attach to each such list a certificate signed by him, and verified by oath or affirmation, in the form following: Assessor's certificate.

*I do certify that I have examined all the lots in this list named; and that I have entered the names of all occupants thereon, as well as the names of the owners thereof, when known; and that all the entries relative to each lot are true and correct, to the best of my knowledge and belief.*

R.S.O. 1927, c. 238, s. 131.

**136.**—(1) In cities of over 50,000 inhabitants on or before the 1st day of August, and in other cities and municipalities on or before the 15th day of September and, in the cases provided for by sections 59 to 63, one month before the date fixed for the completion of the collector's roll, the county treasurer or the treasurer of the municipality, as the case may require, shall return to the clerk of the proper municipality an account of all arrears of taxes due in respect of such occupied lands, or lands built upon, including the percentage chargeable under section 147. Return of taxes due to be made by treasurer to clerk.

(2) The clerk of each municipality shall, in making out the collector's roll of the year, add such arrears of taxes to the taxes assessed against such occupied lands, or lands built upon for the current year; and subject to the proviso contained in subsection 1 of section 114, relating to tenants, such arrears shall be collected in the same manner and subject to the same conditions as all other taxes entered upon the collector's roll. R.S.O. 1927, c. 238, s. 132. Clerk to insert amount in collector's roll.

**137.** If, on an examination of the non-resident collector's roll or the return required under sections 135 and 136 of lands liable to be sold for taxes, or otherwise, it appears to the treasurer that any land liable to assessment has not been assessed for the current year, he shall report the same to the clerk of the municipality; thereupon, or if the same comes to the knowledge of the clerk in any other manner, the clerk shall proceed as provided in section 57. R.S.O. 1927, c. 238, s. 133. Proceedings where any land is found not to have been assessed.

**138.** If it is found by the statement directed by section 129 to be made, or by the return made by the collector under section 126 or section 127, that the arrears of taxes upon occupied land, or land built upon, directed by section 136 to be placed on the collector's roll, or any part thereof, remain in arrear, such land shall be liable to be sold for such arrears, and shall be included in the next ensuing list prepared pursuant to section 149 of lands liable to be sold under the provisions of section 161, notwithstanding the same may be occupied in Liability of lands to sale if arrears are not paid, and when.

the year when such sale takes place, and such arrears need not again be placed upon the collector's roll for collection. R.S.O. 1927, c. 238, s. 134.

Penalty for neglect to preserve list of lands in arrear for taxes.

**139.** Any clerk or assessment commissioner, as the case may be, of any municipality who neglects to preserve the said list of lands in arrear for taxes, furnished to him by the treasurer, in pursuance of section 134, or to furnish copies of such lists, as required, to the assessor, or neglects to return to the treasurer a correct list of the lands which have become occupied, or built upon, as required by section 135, or any assessor who neglects to examine the lands entered on his list, and to make returns in manner hereinbefore directed, shall incur a penalty not exceeding \$200. R.S.O. 1927, c. 238, s. 135.

Apportionment of taxes where land assessed in block.

**140.**—(1) Whenever it is shown to the court of revision or to the council of a municipality that taxes or rates are or have become due upon land assessed in one block, the court or council, upon the application by the treasurer of the municipality or by or on behalf of any person claiming to be the owner of one or more parcels of such land, may, after notice of the application to all owners, direct the apportionment of such taxes or rates upon the said parcels in proportion to their relative value at the time of the assessment, regard being had to all special circumstances, and the council may direct how any part payment made under section 133 is to be applied, and upon payment of the apportionment assigned to any parcel, the same shall be a satisfaction of the taxes or rates thereon, or the court, or the council, as the case may be, may make such other direction as the case may require, and the provision herein contained shall be retroactive in its operation, but shall not apply to any lands which have been advertised for sale for taxes or rates.

Minute of apportionment for treasurer.

(2) Forthwith after an apportionment has been made, the clerk shall transmit a copy of the minute or resolution to the treasurer, who, upon receipt thereof, shall enter the same in his books, and thereafter each lot or other subdivision of the land affected shall be liable only for the amount of taxes or rates apportioned thereto, and shall only be liable for sale for non-payment of the tax or rate so apportioned or charged against it. R.S.O. 1927, c. 238, s. 136.

Apportionment of taxes in cities having an assessment commissioner.

**141.** In cities having an assessment commissioner, where taxes or rates are or have become due upon land assessed in one block, the assessment commissioner, upon application by or on behalf of any person claiming to be an owner of one or more parcels of such land, may, after notice of application

to all the owners, make the apportionment in subsection 1 of section 140 mentioned, and thereafter the treasurer shall accept taxes or rates apportioned to any subdivision in satisfaction of the taxes or rates thereon, and each subdivision shall only be liable to sale for non-payment of the taxes or rates so apportioned to or charged against it. R.S.O. 1927, c. 238, s. 137.

**142.** An appeal may be had by any owner or owners to Appeal. the court of revision from any apportionment made by any assessment commissioner, under section 141, and may be had by the municipality or by any owner or owners to the judge of the county court from any decision or apportionment of the court of revision given or made on appeal from the assessment commissioner under this section or given or made by the court of revision or council under section 140. R.S.O. 1927, c. 238, s. 138.

**143.**—(1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and he may charge twenty-five cents for the search and certified statement on each separate parcel not exceeding four, and for every additional parcel, a further fee of ten cents; but he shall not make any charge to any person who forthwith pays the taxes.

If demanded, treasurer to give a written statement of arrears.

(2) The certified statement aforesaid may be according to Form. Form 9. R.S.O. 1927, c. 238, s. 139.

**144.** The treasurer of every county shall keep a triplicate blank receipt book and on receipt of any sum of money for taxes on land, shall deliver to the person making payment one of such receipts, and shall deliver to the treasurer of the local municipality in which the land is situate the second of the set, with the corresponding number, retaining the third of the set in the book, the delivery of such receipts to be made to the treasurer of the local municipality at least every three months, and the county treasurer shall file such receipts, and, in a book to be kept for that purpose, shall enter the name of the person making payment; the lot on which payment is made; the amount paid; the date of payment, and the number of the receipt, and the auditors shall examine and audit such books and accounts at least once in every twelve months, and in cities, towns and other municipalities having power to sell lands for non-payment of taxes, the treasurer thereof shall keep a duplicate blank receipt book, and on receipt of any sum of money for taxes on land shall deliver to the person making the payment one of such receipts, retaining the second of the set in the book, and the auditors shall examine and audit the said book and accounts at least once in every year. R.S.O. 1927, c. 238, s. 140; 1933, c. 2, s. 9.

County treasurers, etc., to keep triplicate blank receipt books.

Audit of books, etc.

As to  
pretended  
receipt, etc.

**145.** If any person produces to the treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a collector, school trustee or other municipal officer, he shall not be bound to accept the same until he has received a report from the clerk of the municipality interested, certifying the correctness thereof, or until he is otherwise satisfied that such tax has been paid. R.S.O. 1927, c. 238, s. 141.

Lands on  
which taxes  
unpaid to be  
entered in  
certain  
books by  
treasurer.

**146.** The treasurer of every county shall keep a separate book for each township and village, in which he shall enter all the lands in the municipality on which it appears from the returns made to him by the clerk and from the collector's roll returned to him, that there are any taxes unpaid, and the amounts so due, and he shall, on the 1st day of May in every year, complete and balance his books by entering against every parcel of land, the arrears, if any, due at the last settlement, and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date. R.S.O. 1927, c. 238, s. 142.

Interest on  
tax arrears.

**147.**—(1) Irrespective of and in addition to any percentage charge imposed under the provisions of section 113, in every municipality the treasurer, or the collector if the rolls are unreturned, shall add to the amount of all taxes due and unpaid, interest at the rate of one-half of one per centum per calendar month or fraction thereof from the 31st day of December in the year in which such taxes are levied until such taxes are paid.

Interest,  
etc., not to  
be com-  
pounded.

(2) No interest or percentage added to taxes shall be compounded.

Interest,  
etc., to form  
part of  
taxes.

(3) Interest and percentages added to taxes shall form part of such taxes and be collected as taxes.

County  
treasurer to  
add interest.

(4) After taxes have been returned to the county treasurer he shall add interest thereto as provided by this section. 1935, c. 3, s. 6.

#### SALE OF LANDS FOR TAXES.

(NOTE.—*For procedure in lieu of tax sales in supervised municipalities see The Department of Municipal Affairs Act, Rev. Stat. c. 59, ss. 43 to 47.*)

What lands  
only to  
be sold.

**148.** The treasurer shall not sell any lands for taxes which have not been included in the list furnished by him pursuant to section 134 to the clerks of the municipalities in the month



of January preceding the sale nor any of the lands which have been returned to him under the provisions of section 135 as being occupied or built upon except land the arrears for which have been placed on the collector's roll of the preceding year, and have been again returned unpaid and are still in arrear in consequence of insufficient distress being found on the land. R.S.O. 1927, c. 238, s. 144.

**149.**—(1) Where a part of the tax on any land is in arrear for three years as provided by section 134 and subject to the provisions of section 148, the treasurer shall, unless otherwise directed by by-law of the council, submit to the warden of the county a list in duplicate of all the lands liable under the provisions of this Act to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the name and address of the owner, if known, and the warden shall authenticate each of such lists by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the clerk of the county, and the other shall be returned to the treasurer with a warrant thereto annexed, under the hand of the warden, and the seal of the county, commanding the treasurer to levy upon the land for the arrears due thereon, with his costs.

When lands to be sold for taxes.

Arrears due for three years to be levied by warrant of warden to treasurer.

(2) In municipalities whose officers have power to sell lands for arrears of taxes the treasurer may add to the taxes shown in the list of lands liable to be sold for taxes, any taxes which have fallen due since those shown in the lists furnished by the treasurer to the clerk under section 134, and have been returned by the collector to him as provided in section 126, and the said lands may be sold as if such last mentioned taxes had been included in the statement furnished to him by the clerk, under section 134. R.S.O. 1927, c. 238, s. 145.

Treasurer to have power to add arrears accruing after return.

**150.** The treasurer shall, in each case, add to the arrears his commission or other lawful charges, and the costs of publication. R.S.O. 1927, c. 238, s. 146.

Expenses added to arrears.

**151.** The council of a county or municipality whose officers have power to sell lands for arrears of taxes may by by-law passed for that purpose, from time to time, direct that no warrant shall issue for the sale of lands for taxes until after the expiration of a longer period than that provided by section 149, and may also direct that such lands only be included in the warrant as are chargeable with arrears exceeding a certain sum to be named in the by-law, and may also direct that such lands only be included in the warrant, as

By-law extending period of three years, etc.

belong to any classification mentioned in the by-law or are of the character mentioned therein. R.S.O. 1927, c. 238, s. 147; 1934, c. 1, s. 10.

Distinguish-  
ing lands in  
list annexed  
to warrant.

**152.** In the list annexed to every warrant the lands mentioned therein shall be distinguished as patented, unpatented, or under lease or license of occupation from the Crown or municipality and the interest therein, if any, of the Crown or of the municipality shall be specially mentioned. R.S.O. 1927, c. 238, s. 148.

Correction  
of errors by  
treasurer.

**153.** The county treasurer may, from time to time, correct any clerical error which he himself discovers or which may be certified to him by the clerk of any municipality. R.S.O. 1927, c. 238, s. 149.

Where  
distress on  
premises,  
treasurer  
may dis-  
train.

**154.** If there are to the knowledge of the treasurer goods and chattels liable to distress upon any land in arrear for taxes, he shall levy the arrears of taxes and the costs by distress, and shall have the same authority to collect by distress as a collector has under the provisions of this Act, and the provisions of section 114 shall apply thereto; but no sale of the land shall be invalid by reason of the treasurer not having distrained, though there were on the land goods and chattels liable to distress before or at the time of sale. R.S.O. 1927, c. 238, s. 150.

Treasurer's  
duty on  
receiving  
warrant  
to sell.

**155.** A treasurer shall not be bound to make inquiry before effecting a sale of land for taxes, to ascertain whether or not there is any distress upon the land; nor shall he be bound to inquire into or form any opinion of the value of the land. R.S.O. 1927, c. 238, s. 151.

Treasurer  
to prepare  
list of lands  
to be sold.

**156.**—(1) The treasurer shall prepare a copy of the list of lands annexed to the warrant and shall add thereto, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising and for his commission or other lawful charges, distinguishing any of the lands which are unpatented or under lease or license of occupation from the Crown as “unpatented” or “under Crown lease” or “under Crown license,” as the case may be, and shall cause such list to be published as in this section provided.

Publication  
of list.

(2) The treasurer shall cause the list to be published once a month for three months immediately prior to the sale, in the *Ontario Gazette*, such publication to be made in the first issue of the *Ontario Gazette* for each of such three months, and in addition thereto he shall either cause the said list to be pub-

lished once a month for three months immediately prior to the sale in some newspaper published in the county, or where the sale is to be made by a municipality other than a county, in some newspaper published in the municipality, such publication to be made in the first issue of the newspaper in each of such three months, or in lieu of publishing the said list in some newspaper, the treasurer may publish the notice provided by subsection 3.

(3) Where the treasurer, in lieu of publishing the list referred to in subsection 1 in some newspaper as provided by subsection 2, decides to publish the notice referred to in the said subsection 2, such notice shall be published in at least one newspaper published in the county, or where the sale is to be made by a municipality other than the county in some newspaper published in the municipality, once a week for thirteen weeks immediately prior to the sale, and such notice shall announce that the list of lands for sale for arrears of taxes has been prepared and that copies thereof may be had in the office of the treasurer and that the list will be published in the *Ontario Gazette* on the days specified in the notice, and that in default of payment of taxes the lands will be sold for taxes.

Publication  
of notice  
of sale.

(4) In the case of a union of counties the list or notice which is to be published under the provisions of subsection 2 or 3 shall be published in some newspaper in each county of the union if there is a newspaper published in each county and, if not, in the county or counties of the union in which a newspaper is published.

Publication  
in united  
counties.

(5) If in any county or municipality no newspaper is published the list or notice required to be published under the provisions of subsection 2 or 3 shall be published in some newspaper in an adjacent or neighbouring municipality. 1934, c. 1, s. 11.

Where no  
local news-  
paper.

(6) The list published as required by this section and posted as required by section 158 shall contain a notification that unless the arrears and costs are sooner paid, the treasurer will proceed to sell the lands for the taxes on a day and at a place named in such notification. 1935, c. 3, s. 7.

Notice to be  
given of  
place and  
date of sale.

(7) The treasurer instead of causing the list to be published as provided in subsection 2 may cause the same to be published once during the three months immediately prior to the sale in the *Ontario Gazette* and in addition thereto once a month for three months immediately prior to the sale in a newspaper as provided in subsection 2 or 5. 1936, c. 3, s. 21.

Alternative  
mode of  
publication  
of list.

Time of  
sale.

**157.** The day of the sale shall be more than ninety-one days after the first publication of the list in the *Ontario Gazette*. R.S.O. 1927, c. 238, s. 153.

Notice to be  
posted up.

**158.** The treasurer of a county shall also post a printed copy of the list published in the newspaper in some convenient and public place at the court house of the county or district at least three weeks before the time of sale and the treasurer of a municipality other than a county shall also post a printed copy of such list in some convenient and public place at the place where the council of the municipality usually meets at least three weeks before the time of sale. 1934, c. 1, s. 12.

Tax sale  
districts.

**159.**—(1) For the purpose of tax sales the Lieutenant-Governor in Council may by Order-in-Council divide a provisional judicial district, and the council of any county may by by-law divide the county into tax sale districts, each of which may contain one or more municipalities.

Place of  
sales  
therein.

(2) The Order-in-Council or by-law may provide that thereafter the sales of land situate therein for arrears of taxes shall be held by the treasurer at such place in the tax sale district as may be named in the Order-in-Council or by-law.

Payment of  
expenses.

(3) Where any such Order-in-Council or by-law is passed, provision shall be made therein, or by further Order-in-Council or by-law, respecting the payment to the treasurer of his travelling and other expenses connected with his attending tax sales.

Advertise-  
ment, what  
to contain.

(4) Every advertisement or notice of a tax sale shall state the name or number of the tax sale district and the place therein at which the sale will be held. R.S.O. 1927, c. 238, s. 155.

Adjourning  
sale, if no  
bidders.

**160.** If at any time appointed for the sale of the lands no bidders appear, the treasurer may adjourn the sale from time to time. R.S.O. 1927, c. 238, s. 156.

Mode in  
which the  
lands shall  
be sold  
by the  
treasurer.

**161.**—(1) If the taxes have not been previously collected, or if no person appears to pay the same at the time and place appointed for the sale, the treasurer shall sell by public auction so much of the land as is sufficient to discharge the taxes, and all lawful charges incurred in and about the sale and the collection of the taxes, selling in preference such part as he may consider best for the owner to sell first, and, in offering or selling such lands, it shall not be necessary to describe particularly the portion of the lot which is to be sold, but it shall be sufficient to say that he will sell so much of the lot as may be necessary to secure the payment of the



taxes due, and the amount of taxes stated in the advertisement of sale shall, in all cases, be held to be the correct amount due. R.S.O. 1927, c. 238, s. 157 (1).

(2) If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, including the full amount of commission and other lawful charges and costs added under section 150, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than a week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the council of the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold for less than the full amount chargeable against the same as aforesaid shall not be at liberty to redeem the same, except upon payment of the full amount of taxes due, together with the expenses of sale and the ten per centum provided for in section 177, and the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178. R.S.O. 1927, c. 238, s. 157 (2); 1933, c. 2, s. 11.

When land does not sell for full amount of taxes.

(3) If the price offered for any land at the adjourned sale is less than the amount due for arrears of taxes, charges and costs or if no price is offered, it shall be lawful for the municipality to purchase the same for the amount due, provided that previous notice by public advertisement in the local newspaper or in one of the local newspapers in which the original sale was advertised, of intention so to do has been given by the treasurer; but the owner of any land so purchased by the municipality shall not be at liberty to redeem the same except upon payment of the full amount of the taxes due, together with the expenses of sale and also the taxes including the local improvement rates and interest thereon which would have accrued against the property if it had remained the property of the former owner, and been liable for ordinary taxation, and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed, and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement. R.S.O. 1927, c. 238, s. 157 (3).

Purchase by municipalities of land sold for taxes.

Advertising the municipality's intention to buy.

Redemption in such case.

Mode of  
selling for  
taxes.

**162.**—(1) Notwithstanding the provisions of section 161 the treasurer shall not be obliged to sell for taxes, only a portion of any lot originally laid out according to any registered plan, but may in all such cases sell the whole of such lot or the whole of that part thereof (as the case may be) in respect of which taxes are in arrear, for the best price that may be offered by the bidders at the sale, and any money obtained by the treasurer as the price of any such lot shall be applied firstly in paying the arrears of taxes and interest and lawful expenses due in respect of such lot, and the balance, if any, shall be paid by such treasurer to the owner of such lot or to such other person as may be authorized by law to receive the same less ten per centum of such balance and less such charge and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same, and it shall be the duty of the person claiming such balance to produce to the treasurer proof of his or her right to recover the same; provided, however, that in the event of redemption the person redeeming shall pay ten per centum upon the whole amount realized in respect thereof notwithstanding section 177. R.S.O. 1927, c. 238, s. 158 (1); 1933, c. 2, s. 12; 1937, c. 8, s. 5 (1).

Proviso.

58 V, c. 94,  
not affected.

(2) Subsection 1 shall not in any way alter or affect the Act passed in the 58th year of the reign of Her late Majesty Queen Victoria, chaptered 94, intituled *An Act respecting the Township of York*, or the by-laws confirmed by the said Act. R.S.O. 1927, c. 238, s. 158 (2).

Application  
of per-  
centages  
and un-  
claimed  
balances.

(3) The amount of the percentage to be deducted and retained by the treasurer from any balance payable by him to the owner of a lot or any other person entitled thereto as provided in subsection 1 shall belong to the municipality, and any such balance until claimed, or if never claimed, shall belong to the municipality. 1937, c. 8, s. 5 (2).

When pur-  
chaser fails  
to pay  
purchase  
money.

**163.** If a purchaser fails to pay his purchase money immediately the treasurer shall forthwith again put up the property for sale. R.S.O. 1927, c. 238, s. 159.

Land in  
which the  
Crown has  
an interest.

**164.**—(1) Where the Crown whether as represented by the Government of Canada or the Government of the Province of Ontario, or any tribe or body of Indians or any member thereof, has an interest in any land in respect of which taxes are in arrear, the interest only of persons other than the Crown, tribe or body of Indians or any member thereof, therein shall be liable to be sold for arrears of taxes. R.S.O. 1927, c. 238, s. 160 (1); 1933, c. 2, s. 13 (1).

(2) Where the treasurer so sells the interest of any person it shall be distinctly expressed, in the tax deed to be made under this Act to the purchaser, that the sale is only of the interest of such person in the land, and (whether so expressed or not) the tax deed shall in no wise affect the interest or rights of the Crown or tribe or body of Indians or any member thereof in the land sold, and shall give the purchaser the same interest and rights only in respect of the land as the person had whose interest is being sold. R.S.O. 1927, c. 238, s. 160 (2); 1933, c. 2, s. 13 (2).

Tax deed not to affect interest of Crown.

(3) Where the interest so sold of any person is that of a lessee, licensee or locatee, the tax deed shall be valid without requiring the consent of the Minister of Lands and Forests. R.S.O. 1927, c. 238, s. 160 (3).

Validity of tax deed.

**165.** No person shall be entitled to purchase at a sale for taxes, under section 161 or from a municipality which has purchased land thereunder, more unpatented land in the free grant districts than a locatee is entitled to obtain or hold under Part II of *The Public Lands Act*. R.S.O. 1927, c. 238, s. 161.

Land purchased at tax sales not to exceed limit fixed by Rev. Stat., c. 33.

**166.** No sale for taxes shall be made of unpatented land in the free grant districts where the taxes due thereon are less than \$10, if the lands have not been before the 27th day of May, 1893, advertised for sale, nor where no *bona fide* improvements have been made by or on behalf of the locatee. R.S.O. 1927, c. 238, s. 162.

Sales not to be made where taxes less than \$10, or no improvements made.

**167.** All lands in the free grant districts purchased under sale for taxes shall be subject to all the terms and conditions as to settlement or otherwise required by Part II of *The Public Lands Act*, unless under special circumstances the Minister of Lands and Forests sees fit to dispense therewith in whole or in part. R.S.O. 1927, c. 238, s. 163.

Lands purchased to be subject to conditions of Rev. Stat., c. 33.

**168.** If the treasurer sells any interest in land of which the fee is in the city, town or other municipality in respect of which the taxes accrue, he shall only sell the interest therein of the lessee or tenant, and it shall be so distinctly expressed in the tax deed. R.S.O. 1927, c. 238, s. 164.

Sale of interest of lessee or tenant of municipal property.

**169.** No sale of lands for taxes or for rates under a drainage or local improvement by-law shall invalidate or in any way affect the collection of a rate which has been assessed against or imposed or charged upon such lands prior to the date of the sale, but which accrues or becomes due and payable after the rates or taxes in respect of which the sale is had became due and payable or after the sale. R.S.O. 1927, c. 238, s. 165.

Sale of lands for taxes not to affect collection of other rates.

*Certificate of Sale—Tax Deed.*

Treasurer  
selling to  
give pur-  
chaser a  
certificate  
land sold.

**170.** The treasurer, after selling any land for taxes, shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been sold, or stating that the whole lot or estate has been so sold, and describing the same, and also stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, with reference to sections 161 and 164, will be executed by the treasurer and warden on demand, at any time after the expiration of the period hereinafter provided for redemption. R.S.O. 1927, c. 238, s. 166.

Purchaser  
of lands  
deemed  
owner for  
certain  
purposes.

**171.**—(1) The purchaser shall, on the receipt of the treasurer's certificate of sale, become the owner of the land, so far as to have all necessary rights of action and powers for protecting the same from spoliation or waste, until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber growing upon the land, or otherwise injure the land, nor shall he do so himself, but he may use the land without deteriorating its value.

Limitation  
of liability.

(2) The purchaser shall not be liable for damage done without his knowledge to the property during the time the certificate is in force. R.S.O. 1927, c. 238, s. 167.

Effect of  
tender of  
arrears, etc.

**172.** From the time of a tender to the treasurer of the full amount of redemption money required by this Act, the purchaser shall cease to have any further right in or to the land in question. R.S.O. 1927, c. 238, s. 168.

Treasurer's  
commission.

**173.** Every treasurer shall be entitled to two and one-half per centum commission upon the sums collected by him, as aforesaid, except that where the taxes against any parcel of land are less than \$10, the treasurer shall be entitled to charge, in lieu of his commission, twenty-five cents; but where the treasurer is paid a salary for his services such commission may, by arrangement with the council, be paid into the funds of the municipality like any other revenue of the municipality. R.S.O. 1927, c. 238, s. 169.

Fees, etc.,  
on sales  
of land.

**174.** Where land is sold by a treasurer according to the provisions of section 156, and following sections of this Act, he may add the commission and other charges which he is



authorized by this Act to charge for the services above mentioned, to the amount of arrears on those lands in respect of which such services have been severally performed, and in every case he shall give a statement in detail with each certificate of sale, of the arrears and costs incurred. R.S.O. 1927, c. 238, s. 170.

**175.** The treasurer shall, in all certificates and deeds given for lands sold at such sale, give a description of the part sold with sufficient certainty, and if less than a whole lot is sold, then he shall give such a general description as may enable a surveyor to lay off the piece sold on the ground, and he may make search, if necessary, in the registry office, to ascertain the description and boundaries of the whole parcel, and he may also obtain a surveyor's description of such lots, to be taken from the registry office or the government maps, where a full description cannot otherwise be obtained, such surveyor's fee not to exceed \$1, and the charges so incurred shall be included in the account and paid by the purchaser of the land sold, or the person redeeming the same. R.S.O. 1927, c. 238, s. 171.

Expenses of search in registry office for description, etc.

**176.** Except as hereinbefore provided, the treasurer shall not be entitled to any other fees or emoluments whatever for any services rendered by him relating to the collection of arrears of taxes on lands. R.S.O. 1927, c. 238, s. 172.

Treasurer entitled to no other fees.

**177.** Subject to the provisions of subsections 2 and 3 of section 161, the owner of any land sold for taxes, or his heirs, executors, administrators or assigns, or any other person, may at any time within one year from the day of sale, exclusive of that day, redeem the estate sold by paying or tendering to the county treasurer for the use and benefit of the purchaser, or his legal representatives, the sum paid by him, together with ten per centum thereon, and the treasurer shall give to the person paying such redemption money, a receipt stating the sum paid and the object of payment, and such receipt shall be evidence of the redemption. R.S.O. 1927, c. 238, s. 173; 1935, c. 3, s. 8.

Owners may within one year redeem estate sold by paying purchase money and 10 per cent. thereon.

**178.**—(1) Within ninety days from the day of sale, the treasurer shall, if the land is not previously redeemed, make or cause to be made search in the registry office and in the sheriff's office to ascertain whether or not there are mortgages or other incumbrances affecting the land sold and who is the registered owner of the land. 1933, c. 2, s. 14 (1) *part*; 1937, c. 8, s. 6 (1).

Treasurer to search title.

Notice to  
incum-  
brancer  
and owner.

(2) Subject to the provisions of subsections 2 and 3 of section 161, the treasurer shall within the said period of ninety days from the day of sale, if the land is not previously redeemed, send to each incumbrancer (if any) and to the registered owner by registered letter mailed to the address of such incumbrancer or owner if known to the treasurer, and if such address is not known to the treasurer then to any address of such incumbrancer or owner appearing in records of the registry office or sheriff's office a notice stating that the land has been sold for taxes, the date of the sale, and that the incumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to redeem the estate sold by paying to the treasurer the amount of the purchase money together with ten per centum added thereto and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 2 and postage and twenty-five cents for the notice, the amount aforesaid to be specified in the notice. 1933, c. 2, s. 14 (1) *part*; 1937, c. 8, s. 6 (2).

Registra-  
tion of  
notice of  
sale.

(3) The treasurer may at any time before redemption of land sold for taxes and after he has sent the notice or notices mentioned in subsection 2 register in the registry office a written notice stating that the land described therein has been sold for taxes, the date of the sale, the time within which the land may be redeemed and the amount required to redeem the same, and for registration of such notice the registrar shall be paid a fee of \$1. 1933, c. 2, s. 14 (2) *part*.

Receipts if  
arrears paid.

(4) If within the time aforesaid payment of the said amount is made by any such incumbrancer or by the owner of the land the treasurer shall give to the person making the payment a receipt stating the sum paid and the object of the payment, and the same shall be evidence of the redemption, and any incumbrancer making the payment may add the amount to his debt.

Who to be  
entitled to  
receipt.

(5) In case of payment by the owner the receipt aforesaid shall be given to him and in case of payment by one or more incumbrancers and not by the owner, the receipt shall be given to that incumbrancer who is first in priority, and the amount paid by other persons shall be repaid to them. R.S.O. 1927, c. 238, s. 174 (3, 4).

Receipt of  
redemption.

(6) If under the provisions of subsection 3 a notice of sale of land for taxes has been registered and such land is redeemed, the treasurer shall upon payment of the redemption money deliver to the person paying the same a receipt signed by himself stating therein a description of the land redeemed.

the person who redeemed the same and the date and amount paid for redemption together with particulars of the registration of the notice, and such receipt may be registered in the registry office upon payment to the registrar by the person tendering the same of a fee of fifty cents. 1933, c. 2, s. 14 (2) *part.*

(7) If the redemption money is not paid within the time aforesaid the treasurer upon payment of the said charges for searches, postage and notice and \$1 for the deed, shall with the warden execute and deliver to the purchaser or his assigns or other legal representatives a tax deed in duplicate of the land sold. Execution and delivery of deed.

(8) Such deed, if requested, may include any number of lots, which are to be conveyed to the same person. R.S.O. 1927, c. 238, s. 174 (5, 6). Deed may include several lots.

(9) In any case where the treasurer fails to comply with the provisions of subsection 1 or 2 as to the time from the day of sale within which a search in the registry office and sheriff's office is made or notices to any incumbrancer and to the registered owner are sent, he may subsequently make or cause to be made the said search and send the said notice, provided, however, in such case the time for redemption shall be within nine months from the day upon which the notice is sent and the notice shall so state. 1937, c. 8, s. 6 (3). Late searches and notices.

**179.** The words "treasurer" and "warden" in section 178 shall mean the person who at the time of the execution of the deed in such section mentioned holds the said office. R.S.O. 1927, c. 238, s. 175. Meaning of "treasurer" and "warden."

**180.**—(1) Out of the redemption money the treasurer shall pay to the purchaser (not being the municipality) or his assigns or other legal representatives the sum paid by him together with ten per centum thereon, and the balance less the lawful costs, charges and expenses of the treasurer shall belong to the municipality. R.S.O. 1927, c. 238, s. 176 (1); 1933, c. 2, s. 15. Application of redemption money.

(2) Where the municipality is the purchaser the whole of the redemption money shall belong to it less the lawful costs, charges and expenses of the treasurer. R.S.O. 1927, c. 238, s. 176 (2). Where municipality is purchaser.

**181.** The tax deed shall be according to Form 10, or to the same effect and shall state the date and cause of the sale, and the price, and shall describe the land according to the Contents of deed and effect thereof.

provisions of section 175, and shall have the effect of vesting the land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrear, or any error in describing the land as "patented" or "unpatented" or "held under a license of occupation" or "held under lease" or otherwise. R.S.O. 1927, c. 238, s. 177.

On what certificate registrars to register sheriff's deeds of land sold for taxes before 1851.

**182.** As respects land sold for taxes before the 1st day of January, 1851, on the receipt by the registrar of the proper county or place of a certificate of the sale to the purchaser under the hand and seal of office of the sheriff, stating the name of the purchaser, the sum paid, the number of acres and the estate or interest sold, the lot or tract of which the same forms part, and the date of the sheriff's conveyance to the purchaser, his heirs, executors, administrators or assigns, and on production of the conveyance from the sheriff to the purchaser, his heirs, executors, administrators or assigns, such registrar shall register any sheriff's deed of land sold for taxes before the 1st day of January, 1851, and the mode of such registry shall be the entering on record of a transcript of such deed or conveyance. R.S.O. 1927, c. 238, s. 178.

Sheriff to give certificate of execution of conveyances after 1st January, 1851, and before 1st January, 1866, for registration.

**183.** As respects land sold for taxes after the 1st day of January, 1851, and prior to the 1st day of January, 1866, the sheriff shall also give the purchaser or his assigns, or other legal representatives, a certificate under his hand and seal of office of the execution of the deed, containing the particulars in the last section mentioned, and such certificate, for the purpose of registration in the registry office of the proper registry division of any deed of lands so sold for taxes, shall be deemed a memorial thereof, and the deed shall be registered, and a certificate of the registry thereof shall be granted by the registrar, on production to him of the deed and certificate, without further proof; and the registrar shall, for the registry and certificate thereof, be entitled to seventy cents and no more. R.S.O. 1927, c. 238, s. 179.

Treasurer to enter in a book descriptions of lands conveyed to purchasers.

**184.** The treasurer shall enter in a book, which the county council or council of the city or town, as the case may be, shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made therein, shall, together with all documents relating to lands sold for taxes be by him kept among the records of his office. R.S.O. 1927, c. 238, s. 180.



**185.** If any part of the taxes for which any land has been sold in pursuance of any Act heretofore in force in Ontario or of this Act, had at the time of the sale been in arrear for three years as mentioned in section 134, and the land is not redeemed in one year after the sale, such sale, and the official deed to the purchaser (provided the sale was openly and fairly conducted) shall notwithstanding any neglect, omission or error of the municipality or of any agent or officer thereof in respect of imposing or levying the said taxes or in any proceedings subsequent thereto be final and binding upon the former owner of the land and upon all persons claiming by, through or under him, it being intended by this Act that the owner of land shall be required to pay the taxes thereon within three years after the same are in arrear or redeem the land within one year after the sale thereof, and in default of the taxes being paid or the land being redeemed as aforesaid, the right to bring an action to set aside the said deed or to recover the said land shall be barred. R.S.O. 1927, c. 238, s. 181.

Deed to be binding if land not redeemed in one year.

**186.** Wherever land is sold for taxes and a tax deed thereof has been executed, the sale and the tax deeds shall be valid and binding, to all intents and purposes, except as against the Crown, unless questioned before some court of competent jurisdiction within two years from the time of sale. R.S.O. 1927, c. 238, s. 182.

Deed valid if not questioned within a certain time.

**187.** In all cases where land has been validly sold for taxes, the conveyance by the officer who made the sale, or by his successors in office, shall not be invalid by reason of the statute under the authority whereof the sale was made having been repealed at and before the time of such conveyance, or by reason of the officer who made the sale having gone out of office. R.S.O. 1927, c. 238, s. 183.

Certain treasurer's deeds not to be invalid if the sale is valid.

**188.** In all cases where land is sold for arrears of taxes whether such sale is or is not valid, then so far as regards rights of entry adverse to a *bona fide* claim or right, whether valid or invalid, derived mediately or immediately under such sale, section 9 of *The Conveyancing and Law of Property Act* shall not apply, to the end and intent that in such cases the right or title of a person claiming adversely to any such sale shall not be conveyed where any person is in occupation adversely to such right or title, and that in such cases the Common Law and sections 2, 4 and 6 of the statute passed in the 32nd year of the reign of King Henry VIII, and chaptered 9, be revived, and the same are and shall continue to be revived. R.S.O. 1927, c. 238, s. 184.

Rights of entry adverse to tax purchaser.

Rev. Stat., c. 152.

Common Law and 32 H. VIII, c. 9, ss. 2, 4 and 6, revived.

Adjustment  
of damages  
when sale  
held to be  
invalid.

**189.**—(1) In all cases not being within any of the exceptions and provisions of subsection 3, where land having been legally liable to be assessed for taxes, is sold for arrears of taxes then in case an action is brought for the recovery of the land and the sale is held to be invalid, damages shall be assessed for the defendant for the amount of the purchase money at the sale and interest thereon, and of all taxes paid by the defendant in respect of the lands since the sale and interest thereon, and of the value of any improvements made by the defendant before the commencement of the action, or by any person through or under whom he claims, less all just allowances for the timber sold off the lands, and all other just allowances to the plaintiff, and the value of the land to be recovered shall also be assessed less the value of any such improvements.

The plaintiff  
to pay  
damages  
into court  
before writ  
of possession  
issues, or  
tax pur-  
chaser may  
elect to  
retain the  
land on  
paying its  
value.

(2) If a judgment is pronounced for the plaintiff, no writ of possession shall issue until the expiration of one month thereafter nor until the plaintiff has paid into court for the defendant the amount of such damages, or, if the defendant desires to retain the land, he may retain it, on paying into court within the said period of one month, or on or before any subsequent day to be appointed by the court, the value of the land as assessed at the trial; after which payment no writ of possession shall issue, but the plaintiff on filing in court for the defendant a sufficient release and conveyance to the defendant of his right and title to the land in question, shall be entitled to the money so paid in by the defendant.

When  
section not  
to apply;  
if taxes  
paid before  
sale;

(3) This section shall not apply in the following cases,—

if land  
redeemed;

(a) if the taxes for non-payment whereof the land was sold have been fully paid before the sale;

(b) if, within the period limited by law for redemption the amount paid by the purchaser, with all interest payable thereon, has been paid or tendered to the person entitled to receive such payment, with a view to the redemption of the lands;

in case of  
fraud.

(c) where on the ground of fraud or evil practice by the purchaser at such sale, a court would grant equitable relief. R.S.O. 1927, c. 238, s. 185.

Where the  
plaintiff is  
not tenant  
in fee, or in  
tail, the  
value of the  
land to be  
paid into  
Supreme  
Court.

**190.**—(1) In any of the cases named in section 189, wherein the plaintiff is not tenant in fee simple, or fee tail, the payment into court to be made as aforesaid, of the value of the land, by the defendant desiring to retain the land, shall be into the Supreme Court, and the plaintiff and all parties entitled to and interested in the said lands, as against the pur-

chaser at such sale for taxes, on filing in the Supreme Court a sufficient release and conveyance to the defendant of their respective rights and interests in the land, shall be entitled to the money so paid in such proportions and shares as to the Supreme Court, regarding the interests of the various parties, seems proper.

(2) In any of such cases wherein the defendant is not tenant in fee simple or fee tail, the payment of damages into Court to be made as aforesaid by the plaintiff shall be into the Supreme Court. R.S.O. 1927, c. 238, s. 186.

Payment into Court where the defendant is not tenant in fee.

**191.**—(1) If the defendant does not pay into court the value of the land assessed as aforesaid, within the period of one month, or on or before any subsequent day appointed by the court, as mentioned in subsection 2 of section 189, any other person interested in the land under the sale or conveyance for taxes may, within ninety days after the date of the pronouncing of the judgment in subsection 2 of section 189 mentioned, or before any subsequent day appointed by the court as in said subsection mentioned, for payment by the defendant, pay into court the said value of the land, and till the expiration of the time within which such payment may be made, and after such payment, no writ of possession shall issue.

Any other person interested may pay in value assessed if defendant does not.

(2) The defendant or other person so paying in shall be entitled as against all others, interested in the land under the sale or conveyance for taxes, to a lien on the land for such amount as exceeds the proportionate value of his interest enforceable in such manner and in such shares and proportions as to the Supreme Court, regarding the interests of the various parties, and on hearing the parties, seems fit. R.S.O. 1927, c. 238, s. 187.

The payer to have a lien for such proportion as exceeds his interest.

**192.** In case the defendant or any other person interested pays into court in manner aforesaid, the plaintiff shall be entitled to the amount so paid in, on filing in court a sufficient release and conveyance to the person so paying in, of all his right and title to the lands, in which release and conveyance it shall be expressed that the same is in trust for such person to secure his lien as aforesaid. R.S.O. 1927, c. 238, s. 188.

How the owner can obtain the value of the land paid in.

**193.** If the value of the land is not paid into court as above provided, the damages paid into the Supreme Court shall be paid out to the various persons, who, if the sale for taxes were valid would be entitled to the land, in such shares and proportions as to the Supreme Court regarding the interests of the various parties, seems fit. R.S.O. 1927, c. 238, s. 189.

How the value of improvements, etc., paid in can be obtained.

Provisions as to costs in cases where value of the land and improvements, etc., only in question.

**194.**—(1) In all actions for the recovery of land in which both the plaintiff (if his title were good) would be entitled in fee simple or fee tail, and the defendant (if his title were good) would be also so entitled, if the defendant, at the time of appearing gave notice in writing to the plaintiff in such action or to his solicitor named in the writ of the amount claimed, and that on payment of such amount, the defendant or person in possession will surrender the possession to the plaintiff; or that he desired to retain the land, and was ready and willing to pay the court a sum mentioned in the said notice as the value of the land, and that the defendant did not intend at the trial to contest the title of the plaintiff, and if the jury, or the judge, if there be no jury, before whom the action is tried, assess damages for the defendant as provided in sections 189 to 193 and it satisfactorily appears that the defendant does not contest the action for any other purpose than to retain the land on paying the value thereof, or to obtain damages, the judge before whom the action is tried shall certify such fact upon the record, and thereupon the defendant shall be entitled to the costs of the defence in the same manner as if the plaintiff had been nonsuited on the trial, or a verdict had been rendered for the defendant.

Provisions as to costs in certain cases.

(2) If on the trial it is found that such notice was not given as aforesaid, or if the judge or jury assess for the defendant a less amount than that claimed in the notice, or find that the defendant had refused to surrender possession of the land after tender made of the amount claimed, or (where the defendant has given notice of his intention to retain the land), that the value of the land is greater than the amount mentioned in the notice, or that he has omitted to pay into court the amount mentioned in the notice for thirty days after the plaintiff had given to the defendant a written notice that he did not intend to contest the value of the land, the judge shall not certify, and the defendant shall not be entitled to the costs of the defence, but shall pay costs to the plaintiff and upon the trial of any action after such notice, no evidence shall be required in proof of the title of the plaintiff. R.S.O. 1927, c. 238, s. 190.

Tax purchaser without other remedy whose title is invalid to have a lien on the land for purchase money, etc.

**195.** In any case in which the title of the tax purchaser is not valid, or in which no remedy is otherwise provided by this Act, the tax purchaser shall have a lien on the lands for the purchase money paid at the sale, and interest thereon at the rate of ten per centum per annum, and for the taxes paid by him since the sale and interest thereon at the rate aforesaid, to be enforced against the land in such proportions as regards the various owners, and in such manner as the Supreme Court thinks proper. R.S.O. 1927, c. 238, s. 191.



**196.** No valid contract entered into between any tax purchaser and original owner, in regard to any land sold or assumed to have been sold for taxes as to purchase, lease or otherwise, shall be annulled or interfered with by this Act, but such contract and all consequences thereof, as to admission of title or otherwise shall remain in force as if this Act had not been passed. R.S.O. 1927, c. 238, s. 192.

Contracts between tax purchaser and original owner continued.

**197.** Nothing in sections 188 to 196 shall affect the right or title of the owner of any land sold for taxes, or of any person claiming through or under him, where such owner at the time of the sale was in occupation of the land, and the same has since the sale been in the occupation of such owner or of those claiming through or under him. R.S.O. 1927, c. 238, s. 193.

Sections 188 to 196 not to apply where the owner has occupied since sale.

**198.** In the construction of sections 187 to 197, occupation by a tenant shall be deemed the occupation of the reversioner, and the words "tax purchaser" shall apply to any person who purchases at any sale under colour of any statute authorizing sale of land for taxes and shall include and extend to all persons claiming through or under him, and the words "original owner" shall include and extend to any person who, at the time of such sale, was interested in or entitled to the land sold, or assumed to be sold, and to all persons claiming through or under him. R.S.O. 1927, c. 238, s. 194.

Construction of "tax purchaser." "Original owner."

#### ARREARS OF TAXES IN CITIES AND TOWNS.

**199.** In cities and towns arrears of taxes shall be collected and managed in the same way as is hereinbefore provided in the case of other municipalities, and for such purposes the municipal officers of cities and towns shall perform the same duties and have the same powers as the like officers in other municipalities under sections 129 to 198, and the treasurer and mayor of every city or town shall, for such purposes, also perform the like duties as are hereinbefore, in the case of other municipalities, imposed on the county treasurer and warden respectively, and shall have the like powers, and words referring to the county treasurer or warden shall as to a city or town be taken and deemed to refer to the mayor and treasurer of such city or town, provided, however, that in cities and towns the performance of any such duty after the date or within a longer time than hereinbefore set out shall not render any proceedings under this Act invalid or illegal so long as the provisions of this Act are in other respects duly complied with. R.S.O. 1927, c. 238, s. 195.

Collection of arrears of taxes in cities or towns.

Proviso.

## ARREARS OF TAXES IN CERTAIN TOWNSHIPS.

Sale of land  
for taxes in  
certain  
townships.

**200.**—(1) All powers conferred upon cities and towns by section 199, or any of the sections referred to in that section and all duties imposed by said sections upon the officers of such cities and towns, and the mayors thereof, shall hereafter be vested in and apply to the Townships of York, Scarborough and Etobicoke, in the County of York, to the Township of Bertie and the Township of Crowland and the Township of Stamford in the County of Welland, and the Township of Barton in the County of Wentworth, and to the reeves of said townships, and for the purposes of the collection of arrears of taxes on lands therein and the sale of such lands for taxes, the said townships shall be considered as towns, and wherever the word “town” occurs in any of the said sections it shall be held to apply to and include the said townships and wherever the word “mayor” occurs in the said sections it shall be held to apply to the reeve of each of the said townships for the time being.

58 V, c. 94,  
not affected.

(2) This section shall not in any way alter or affect the Act passed in the 58th year of the reign of Her late Majesty Queen Victoria, chapter 94, or the by-laws confirmed thereby.

County  
by-law  
extending  
application  
of section.

(3) The council of any county may, on the application of the council of any township or village in the county, by by-law, declare that subsection 1 of this section shall thereafter apply and extend to such township or village, and thereupon the powers conferred on cities and towns by section 199 or any of the sections referred to in that section, and all duties imposed by the said sections, upon the officers of said cities and towns and the mayors thereof, shall be vested in and apply to the corporation of such township or village and to the reeve or other head thereof, in the same manner, and to the same extent, as in the case of the municipalities mentioned in subsection 1. R.S.O. 1927, c. 238, s. 196.

## TAX SALES IN PROVISIONAL JUDICIAL DISTRICTS.

Collection of  
taxes and  
sales of land  
for taxes.

**201.** Subject to the provisions of section 202, arrears of taxes due to the corporation of any municipality in a provisional judicial district shall be collected and managed in the same way as like arrears due to municipalities in counties, and the treasurer and head of such municipality shall perform the like duties in the collection and management of arrears of taxes as in a county are performed by the treasurer and warden. R.S.O. 1927, c. 238, s. 197.

**202.**—(1) The powers and duties imposed by this Act upon the treasurer of a county in respect to the collection of arrears of taxes, and the sale of land for taxes, shall, in the District of Parry Sound, be exercised and performed by the sheriff of that district, and all the provisions of this Act respecting the sale of lands for taxes in a county shall apply *mutatis mutandis* to sales under this section, and all duties and proceedings required to be performed by the officers of local municipalities in counties in regard to the collection of such arrears upon lists received from county treasurers shall be performed by the like officers of the municipality in respect to similar lists received from the sheriff of the district.

Sale of land  
for taxes.

(2) Where any part of the taxes on lands in the District of Parry Sound except lands situate in a city or town in such district has been due for and in the third year, or for more than three years preceding the then current year, the sheriff of the district unless otherwise directed by a by-law of the council of any municipality in the district, shall make out a list in duplicate of all the lands liable under the provisions of this Act to be sold for taxes in every municipality in the district, with the amount of arrears against each lot set opposite to the same, and shall transmit the same to the head of the municipality in which the lands are situate, and such head shall authenticate the list by affixing thereto the seal of the corporation and his signature, and one of the lists shall be deposited with the clerk of the municipality, and the other shall be returned to the sheriff with a warrant thereto annexed under the hand of such head and the seal of the corporation commanding him to levy upon the lands for the arrears due thereon, with his costs.

When lands  
to be sold  
for taxes.

(3) To remove doubts it is declared that the municipal officers of a town situate in the Districts of Muskoka or Parry Sound have, and since the 23rd day of March, 1889, have had the same powers as are conferred by section 199 on the officers of a town situate in a county.

Manage-  
ment of col-  
lection of  
arrears of  
taxes.

(4) Where lands liable to sale for taxes are situate in the Townships of McMurrich, Ryerson, Strong, Laurier, Nipissing, Perry, Armour, Joly, Gurd, Bethune, Proudfoot, Machar, Himsworth, or in the Villages of Sundridge or Burk's Falls the sale of such lands for taxes shall take place at Burk's Falls.

Place of  
sale.

(5) Where the lands are situate in the Townships of Spence, Ferrie, Pringle, Croft, Lount, Hardy, Chapman, Mills, or Patterson, the sale shall take place at Magnetawan Village.

Idem.

(6) Where the lands are situate in the Townships of Conger, Humphrey, Monteith, Carling, Shawanaga, Harrison,

Idem.

Wallbridge, Mowat, Cowper, McDougall, McKellar, Hagerman, McKenzie, Wilson, McConkey, Foley, Christie, Ferguson, Burbee, Burton, Brown, Blair, the Town of Parry Sound, or other parts of the District of Parry Sound not named in this section, the sale shall take place at the Town of Parry Sound.

Change of  
place of  
sale.

(7) On an application of the council of any township the place of sale may be directed by the Lieutenant-Governor in Council to be transferred thereafter from any one of the places herein named to any other of them.

Advertise-  
ments of  
sale.

(8) The advertisements for the sale shall be published in the *Ontario Gazette* and in some newspaper published at the place of sale or elsewhere in the district and for the periods required by law.

Allowances  
to sheriffs  
for collec-  
tion of  
taxes.

(9) A judge of the district court may, by his order in writing direct that the said sheriff shall be entitled to retain out of the moneys collected by him in the performance of his duties, with respect to the collection of taxes, a sum over and above the two and one-half per centum mentioned in section 173, but such sum, including the two and one-half per centum shall not exceed ten per centum of the amount of the arrears of taxes collected.

Sheriffs to  
pay over  
amounts  
received  
half-yearly.

(10) The sheriff shall on the 1st day of June and December in each year, pay over to the treasurers of the respective municipalities in his district all moneys collected by him prior to those said dates in respect of lands in arrears for taxes.

Audit of  
sheriff's  
books.

(11) The books and accounts of the sheriff shall be audited on or before the 30th day of September in each year by the Crown attorney of the District. R.S.O. 1927, c. 238, s. 198.

Village  
treasurers  
to sell lands  
for taxes.

(12) The municipal officers of a village situate in the District of Muskoka or Parry Sound shall have the same powers as are conferred by section 199 on the officers of a town situate in a county. 1936, c. 3, s. 22.

#### DEFICIENCY FROM NON-PAYMENT OF CERTAIN TAXES PROVIDED FOR.

Deficiencies  
in certain  
taxes to be  
supplied by  
local muni-  
cipality.

**203.** Every municipal council, in paying over any school or local rate, or its share of any county rate, or of any other tax or rate lawfully imposed for provincial or local purposes shall supply, out of the funds of the municipality, any deficiency arising from the non-payment of the tax, but shall not be held answerable for any deficiency arising from the abatements of, or inability to collect any taxes other than for county rates. R.S.O. 1927, c. 238, s. 199.



## ARREARS OF TAXES IN NEW MUNICIPALITIES.

**204.** Upon the incorporation of any new town, in any county, the county treasurer shall make out a list of all arrears of taxes then due and unpaid in his books upon lands situated in the newly incorporated town, and shall transmit the same to the treasurer of the town, who, after receipt of the said list, shall have, with the mayor, all the powers possessed by the county treasurer and warden for the collection of such taxes and for enforcement of the same by sale; but in such list the county treasurer shall not include any lot then advertised for sale for taxes. R.S.O. 1927, c. 238, s. 202.

On incorporation of a town, county treasurer to transmit list of arrears to town treasurer.

**205.** In cases where a new local municipality is formed from two or more municipalities or portions of two or more municipalities situated in different counties, the collection of arrears of taxes due at the time of formation shall be made by the treasurer of the county in which the new municipality is situate, if the new municipality is a township or village, or if the new municipality is a town, by the treasurer of such town, and for the purpose of enabling him to make the collection, the treasurer or the treasurers of the other county or counties from which any portion of the new municipality is detached, shall immediately upon the formation thereof make out lists of the arrears of taxes then due in their respective portions, and transmit the same to the treasurer of the county in which the new municipality is situate, or of the town as the case may be and where a new municipality is formed from two or more municipalities situate in any one county, the treasurer shall keep a separate account for such new municipality. R.S.O. 1927, c. 238, s. 203.

Arrears of taxes, how collected where new municipality formed.

**206.** The treasurer and warden of the county in which the new municipality, if it be a township or village, is situate, and the treasurer and mayor of the new municipality, if it be a town, shall have power, respectively, to take for the collection of such arrears of taxes all the proceedings which treasurers and wardens or treasurers and mayors can take for the sale and conveyance of land in arrear for taxes, and in case the lands in the new municipality have been advertised by the treasurer or treasurers of the county or counties of which the new municipality formed part before its formation, the sale of such lands shall be completed in the same manner as if such new municipality had not been formed. R.S.O. 1927, c. 238, s. 204.

Who may take proceedings to enforce collection.

**207.** Where a municipality or part of a municipality has been or is hereafter separated from one county and included in another after a return has been made to the treasurer of

Proceedings where returns made to treasurer before separation.

the county to which it formerly belonged of lands in arrear for taxes, but the lands have not been advertised for sale by the treasurer of the former county, such treasurer shall return to the treasurer of the county to which such territory belongs a list of all the lands within such territory returned as in arrear for taxes and not advertised, and the treasurer and warden of the county to which the territory belongs shall have power respectively to take all the proceedings which treasurers and wardens under this Act can take for the sale and conveyance of lands in arrear for taxes; but in case the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyances of lands previously sold shall be made in like manner. R.S.O. 1927, c. 238, s. 205.

Sales for taxes on lands which have been annexed to city or separated town.

**208.** Where a municipality or any part of a municipality has been or is hereafter separated from a county and included in a city or town separated from the county for municipal purposes, after a return has been made to the treasurer of the county of lands in arrear for taxes, but the lands have not been advertised for sale by the treasurer of the county, such treasurer shall return to the treasurer of the city or town a list of all the lands within such territory returned as in arrear for taxes and not advertised, and the treasurer and mayor of the city or town shall have the power to take all the proceedings which treasurers and wardens under this Act can take for the sale and conveyance of lands in arrear for taxes; but in case the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyances of lands previously sold shall be made in like manner. R.S.O. 1927, c. 238, s. 206.

#### RESPONSIBILITY OF OFFICERS.

Penalty on officers failing to perform their duty, and how enforced.

**209.** Any treasurer, assessor, clerk or other officer who refuses or neglects to perform any duty required of him by this Act, and no other penalty is imposed, shall incur a penalty not exceeding \$100. R.S.O. 1927, c. 238, s. 209.

Other assessors may act for those in default.

**210.** If an assessor neglects or omits to perform his duties, the other assessor, or other assessors (if there be more than one for the same locality), or one of such assessors, shall, until a new appointment, perform the duties, and any council may, after an assessor neglects or omits to perform his duties, appoint some other person to discharge such duties, and the assessor so appointed shall have all the powers and be entitled

to all the emoluments which appertain to the office. R.S.O. 1927, c. 238, s. 210.

**211.** Any clerk, treasurer, assessment commissioner, assessor or collector, or any assistant or other person in the employment of the municipality, acting under this Act, who makes an unjust or fraudulent assessment or collection, or copy of any assessor's or collector's roll, or wilfully and fraudulently inserts, or permits to be inserted therein the name of any person which should not be entered, or fraudulently omits, or allows to be omitted, the name of any person which should be entered, or wilfully omits any duty required of him by this Act, shall incur a penalty not exceeding \$200, or shall be liable, in the discretion of the convicting justice to imprisonment for any period not exceeding six months, or to both such penalty and imprisonment. R.S.O. 1927, c. 238, s. 211.

Penalty for unjust or fraudulent assessment.

**212.** Any assessor of any township, village or ward, who neglects or omits to make out and complete his assessment roll for the township, village or ward, and to return the same to the clerk of such township or village, or of the city or town in which such ward is situated, or to the proper officer or place of deposit of such roll within the prescribed period, shall incur a penalty not exceeding \$200. R.S.O. 1927, c. 238, s. 212.

Penalty for neglect to make out roll.

**213.** If a collector refuses or neglects to pay to the proper treasurer or other person legally authorized to receive the same, the sums contained in his roll, or duly to account for the same as uncollected, the treasurer shall, within twenty days after the time when the payment ought to have been made, issue a warrant, under his hand and seal, directed to the sheriff of the county or city (as the case may be), commanding him to levy of the goods, chattels, lands and tenements of the collector and his sureties, such sum as remains unpaid and unaccounted for, with costs, and to pay to the treasurer the sum so unaccounted for, and to return the warrant within forty days after the date thereof. R.S.O. 1927, c. 238, s. 213.

Proceedings for compelling collectors to pay over moneys collected to the proper treasurer.

**214.** The treasurer shall immediately deliver the warrant to the sheriff of the county or city, as the case may require. R.S.O. 1927, c. 238, s. 214.

Warrant to be delivered to sheriff, etc.

**215.** The sheriff to whom the warrant is directed shall within forty days, cause the same to be executed and make return thereof to the treasurer, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation as upon writs of execution issued out of courts of record. R.S.O. 1927, c. 238, s. 215.

Sheriff to execute warrant and pay money levied.

Mode of  
compelling  
sheriff, etc.,  
to pay over.

**216.** If a sheriff refuses or neglects to levy any money when so commanded, or to pay over the same, or makes a false return to the warrant, or neglects or refuses to make any return, or makes an insufficient return, the treasurer may, upon affidavit of the facts, apply in a summary manner to the Supreme Court, or to a judge thereof, for an order *nisi* or summons calling on the sheriff to answer the matter of the affidavit. R.S.O. 1927, c. 238, s. 216.

When re-  
turnable.

**217.** The order *nisi* or summons shall be returnable at such time as the court or judge directs. R.S.O. 1927, c. 238, s. 217.

Hearing  
on return.

**218.** Upon the return of the order *nisi* or summons, the court or judge may proceed in a summary manner upon affidavit, and without formal pleading, to hear and determine the matter of the application. R.S.O. 1927, c. 238, s. 218.

Fi. fa. to  
the coroner  
to levy the  
money.

**219.** If the court or judge is of opinion that the sheriff has been guilty of the dereliction alleged against him, the court or judge shall order the proper officer of the court to issue a writ of *fiery facias*, adapted to the case, directed to a coroner of the county in which the municipality is situate, or to a coroner of the city or town (as the case may be) for which the collector is in default. R.S.O. 1927, c. 238, s. 219.

Tenor of  
such writ.

Execution  
thereof.

**220.** The writ shall direct the coroner to levy of the goods and chattels of the sheriff, the sum which the sheriff was ordered to levy by the warrant of the treasurer, together with the costs of the application and of the writ and of its execution, and the writ shall bear date on the day of its issue, and shall be returnable forthwith on its being executed, and the coroner, upon executing the same, shall be entitled to the same fees as upon a writ grounded upon a judgment of the court. R.S.O. 1927, c. 238, s. 220.

Fees.

Penalty on  
sheriff.

**221.** A sheriff who wilfully omits to perform any duty required of him by this Act shall be liable to a penalty not exceeding \$200. R.S.O. 1927, c. 238, s. 221.

Payment of  
money col-  
lected for  
the Pro-  
vince.

**222.** All money assessed, levied and collected for the purpose of being paid to the Treasurer of Ontario, or to any other public officer, for the public uses of Ontario, or for any special purpose or use mentioned in the Act under which the same is raised, shall be assessed, levied and collected by, and accounted for and paid over to the same persons, in the same manner, and at the same time as taxes imposed on the same property for county, city or town purposes and shall be deemed



and taken to be money collected for the county, city or town, so far as to charge every collector or treasurer with the same, and to render him and his sureties responsible therefor, and for every default or neglect in regard to the same, in like manner as in the case of money assessed, levied and collected for the use of the county, city or town. R.S.O. 1927, c. 238, s. 222.

**223.** All money collected for county purposes or for any of the purposes mentioned in section 222, shall be payable by the collector to the township, town or village treasurer, and by him to the county treasurer, and the corporation of the township, town or village shall be responsible therefor to the corporation of the county. R.S.O. 1927, c. 238, s. 223.

How money collected for county purposes to be paid over.

**224.** Any bond or security given by the collector or treasurer to the corporation of the township, town or village, to account for and pay over all money collected or received by him, shall apply to money collected or received for county purposes, or for any of the purposes mentioned in section 231. R.S.O. 1927, c. 238, s. 224.

Collectors or treasurers bound to account for all moneys collected by them.

**225.**—(1) The treasurer of every township, town or village shall, on or before the 20th day of December in each year, pay to the treasurer of the county all moneys which were assessed and by law required to be levied and collected in the municipality for county purposes or for any of the purposes mentioned in section 222, and in case of non-payment of such moneys or any portion thereof on or before the said date, the township, town or village so in default shall pay to the county interest thereon at the rate of six per centum per annum from the said date until payment shall be made. R.S.O. 1927, c. 238, s. 225.

Local treasurer to pay over county moneys to county treasurer.

(2) The council of a county may by by-law provide for a rate of interest of less than six per centum per annum in case of non-payment of moneys assessed for county purposes and may also provide for payment of a discount at such rate per annum as the by-law may set forth for payment of moneys or any portion thereof assessed for county purposes if paid prior to the 20th day of December in the year in which the same are payable. 1937, c. 8, s. 8.

Reduced penalty rate and allowance of discount for prepayment.

**226.** If default be made in such payment, the county treasurer may retain or stop a like amount out of any money which would otherwise be payable by him to the municipality, or may recover the same by an action against the municipality, or where the same has been in arrear for three months, he may,

Mode of enforcing such payments.

Warrant  
to sheriff.

by warrant under his hand and seal, reciting the facts, direct the sheriff of the county to levy and collect the amount due with interest and costs from the municipality in default. R.S.O. 1927, c. 238, s. 226.

How sheriff  
to make  
levy.

Rev. Stat.,  
c. 125.

**227.** The sheriff, upon receipt of the warrant, shall levy and collect the amount, with his own fees and costs in the same manner as is provided by *The Execution Act*, in the case of executions against municipal corporations. R.S.O. 1927, c. 238, s. 227.

Treasurer,  
etc., to  
account for  
and pay  
over Crown  
moneys.

**228.** The county, city or town treasurer shall be accountable and responsible to the Crown for all money collected for any of the purposes mentioned in section 222, and shall pay over such money to the Treasurer of Ontario. R.S.O. 1927, c. 238, s. 228.

Municipality  
responsible  
for such  
moneys.

**229.** Every county, city and town shall be responsible to His Majesty, and to all other persons interested, that all money coming into the hands of the treasurer of the county, city or town in virtue of his office, shall be by him duly paid over and accounted for according to law. R.S.O. 1927, c. 238, s. 229.

Treasurer,  
etc., re-  
sponsible to  
county etc.

**230.** The treasurer and his sureties shall be responsible and accountable for such money to the county, city or town, and any bond or security given by them for the duly accounting for and paying over money belonging to the county, city or town, shall apply to all money mentioned in section 222 and may be enforced against the treasurer or his sureties in case of default. R.S.O. 1927, c. 238, s. 230.

Bonds to  
apply.

Bonds to  
apply to  
school  
money.

**231.** The bond of the treasurer and his sureties shall apply to school money, and to all public money of Ontario, and in case of default, His Majesty may enforce the responsibility of the county, city or town, by stopping a like amount out of any public money which would otherwise be payable to the county, city or town or to the treasurer thereof, or by action against the corporation. R.S.O. 1927, c. 238, s. 231.

City, etc.,  
responsible  
for default  
of treasurer,  
etc.

**232.** Any person aggrieved by the default of the treasurer may recover from the corporation of the county, city or town the amount due or payable to such person as money had and received to his use. R.S.O. 1927, c. 238, s. 232.

#### MISCELLANEOUS.

Oaths and  
affidavits.

**233.** Any affidavit or oath required by this Act to be made may be made before any assessor or any justice of the peace

having jurisdiction in the municipality or any commissioner for taking affidavits or any notary public for the Province. R.S.O. 1927, c. 238, s. 233.

**234.** Any person who wilfully tears down, injures or defaces any advertisement, notice or other document, which is required by this Act to be posted up in a public place for the information of persons interested, shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 238, s. 234.

Tearing down notices, etc.

**235.** Prosecutions for contraventions of this Act where a penalty or imprisonment is imposed, shall be had under *The Summary Convictions Act*. R.S.O. 1927, c. 238, s. 235.

Recovery of penalties. Rev. Stat., c. 136.

**236.** When not otherwise provided, all penalties recovered under this Act shall be paid to the treasurer to the use of the municipality. R.S.O. 1927, c. 238, s. 236.

Application of penalties.

**237.** In addition to the penalties and punishments provided for by this Act for a contravention of the provisions thereof, the person guilty of such contravention shall be liable to every person who is thereby injured for the damages sustained by such person by reason of such contravention. R.S.O. 1927, c. 238, s. 237.

Right of action for damages against officer.

**238.** This Act shall not affect the terms of any agreement made with a municipal corporation, or any by-law heretofore or hereafter passed by a municipal council under any other Act for fixing the assessment of any property, or for commuting or otherwise relating to municipal taxation, but whenever in any Act of this Legislature or by any Proclamation of the Lieutenant-Governor in Council or by any valid by-law of a municipality heretofore passed or by any valid agreement heretofore entered into the assessment of the real and personal property of any person in a municipality is fixed at a certain amount for a period of years, unexpired at the time of the coming into force of this Act, or the taxes payable annually by any person in respect to the real and personal property are fixed at a stated amount during any such period, or the real and personal property of any person or any part thereof is exempt from municipal taxation in whole or in part for any such period, such fixed assessment, or commutation of taxes or exemption shall be deemed to include any business assessment or other assessment and any taxes thereon in respect to the property or business mentioned in such Act, Proclamation, by-law or agreement to which such person or the property of such person would otherwise be liable under the provisions of this Act. R.S.O. 1927, c. 238, s. 238.

By-laws and agreements fixing assessments or granting exemption from taxation not affected.

## FORM 1.

(Section 17.)

## FORMS OF ASSESSMENT RETURNS.

## NOTICE TO RATEPAYERS.

(City of )

Pursuant to *The Assessment Act*, you are hereby required to fill up so much of the following return as is applicable to your case, and to deliver the same to me at my office, No.      Street, within ten days from the delivery or mailing, as the case may be, to you of this notice, under the penalty contained in the said Act for neglect so to do.

Dated this

day of

, 19 .



TOWNSHIP OF  
GENERAL RETURN.  
(or CITY, TOWN, or VILLAGE) OF  
STREET.  
SIDE.

Con.

Names and description of persons assessed.					Description of Real Property.										Assessed Values of Lands and Buildings.					Statistics.					Statute Labour.	Dog Tax.	Remarks.
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	18	19	23	24	25	27	28	26	29	31			
Name (surname first) of person taxable (owners and tenants of land and persons otherwise taxable).	Age.		British Subject or Alien.	Owner or Tenant, L.F. or F.S.	Occupation, and in the case of females, S. M. or W., and in case of non-resident N.R.	Number of concession, name of street, etc., or other local designation of the land lies or rests in which the land is or is not assessable for land or in the case of manhood suffrage voters, etc.	Number of lot, house, etc., in such division.	Number of acres or other measure showing the extent of the property.	Number of acres cleared (or in cities, towns or villages) whether vacant or built upon.	Number of acres of woodland.	Number of acres of slash land.	Number of acres of swamp, marsh or waste land.	Value of land exclusive of buildings.	Value of buildings.	Total value of real property.	Total value of land liable for school rates only.	Total value of property exempt from taxation, or liable for local improvements only.	Religion.	Number of school section.	Public or separate school supporter. (P. or S.)	Number of persons in the family including such person and all other persons residing on the premises.	Births.	Deaths.	Number of persons from 21 to 60.	Number of days' labour.	Number of dogs.	Number of bitches.

AFFIDAVIT.

I hereby make oath that I have knowledge of the particulars contained in the foregoing statement and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Sworn before me at \_\_\_\_\_ in the County of \_\_\_\_\_

this

day of \_\_\_\_\_

, A.D. 19 \_\_\_\_\_

Signature.

R.S.O. 1927, c. 238, Form 2.



FORM 4.  
(Section 52.)  
ASSESSMENT NOTICE FOR 19  
(or CITY, TOWN, or VILLAGE) OF  
(or STREET),  
CON.

WARD No.  
SIDE.

TOWNSHIP OF

Name and description of person assessed.		School Supporter.	British or Alien.	Description of real property.		Assessment of land and buildings.					Assessment for per- sonal Taxes.	
No.	Occupation.			No. of lot or house.	No. of concession, street or other designation of local division.	Actual value of land.	Value of build- ings.	Total actual value of real property.	Total value of real property liable for school tax only.	Total value of real property liable for local improve- ments only.	For business assess- ment.	For income.
		"P" or "S," Public or Separate School Supporter.	"B. S." or "A."			\$	\$	\$	\$	\$	\$	\$

Take notice that you are assessed as above specified for the year 19 . If you deem yourself overcharged or otherwise improperly assessed, you or your agent may notify the Clerk of the Municipality (or Assessment Commissioner) in writing of such overcharge or im- proper assessment, within fourteen days after the day of (insert date on which the Assessment Roll was returned), and your complaint shall be tried by the Court of Revision for the Municipality of

19 .  
(INDORSED.)

Sir: Take notice that I intend to appeal against this assessment for the following reasons:  
A. B., Township Clerk,  
or Assessment Commissioner.  
I am, Sir, your obedient servant,

Note—In the case of a municipality in which there are supporters of a Roman Catholic Separate School therein or contiguous thereto the notice required by Section 32 must also be added.





## FORM 6.

*(Section 73, Subsection 16.)*FORM OF DECLARATION BY PERSON COMPLAINING IN PERSON OF  
OVERCHARGE ON TAXABLE INCOME.

I, *A. B.* (*set out name in full, with place of residence, business, trade, profession or calling*), do solemnly declare that my net income derived from all sources not exempted by law from taxation is .

R.S.O. 1927, c. 238, Form 7.

## FORM 7.

*(Section 73, Subsection 16.)*FORM OF DECLARATION BY AGENT OF PERSON COMPLAINING OF  
OVERCHARGE ON TAXABLE INCOME.

I, *A. B.* (*set out name in full, and place of residence, business, trade, profession or calling*), agent for *C. D.* (*set out name in full, with place of residence, and calling of person assessed*), do solemnly declare that the net income of the said *C. D.*, derived from all sources not exempt from taxation by law, is ; and that I have the means of knowing and do know, the income of the said *C. D.*

R.S.O. 1927, c. 238, Form 8.

## FORM 8.

*(Section 121, Subsection 3.)*

## FORM OF OATH TO BE ATTACHED TO COLLECTOR'S ROLL.

I (*name and residence*), make oath and say (*or solemnly declare and affirm*) as follows:—

I have appended my initials in the collector's roll attached hereto to every date entered by me in said roll as the date of demand of payment, or notice of taxes, pursuant to section 109 (*or section 113*) and of every transmission of statement and demand of taxes pursuant to section 111 of *The Assessment Act*, and every such date has been truly stated in said roll.

R.S.O. 1927, c. 238, Form 9.

## FORM 9.

(Section 143, subsection 2.)

## CERTIFICATE OF TREASURER.

Treasurer's Office of the County (or City or Town or Township of \_\_\_\_\_).

Statement showing arrears of taxes upon the following lands in the Township, or City, or Town of \_\_\_\_\_

Lot.	Concession or Street.	Quantity of Land.	Amount.	Year.

I hereby certify that the above statement shows all arrears of taxes returned to this office against the above lands, and that no part of the said lands has been sold for taxes within the last eighteen months nor returned to the \_\_\_\_\_ Clerk for collection within the last twelve months, under subsection 1 of section 136 of *The Assessment Act*, and that the return under section 129 of said Act has been made for the year 19 \_\_\_\_\_.

Treasurer.

R.S.O. 1927, c. 238, Form 10; 1931, c. 51, s. 14.

## FORM 10.

(Section 181.)

## TAX DEED.

To all to whom these presents shall come:

We, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, Esquire, Warden (or Mayor, or Reeve), and \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_, Esquire, Treasurer of the County (or City or Town or Township) of \_\_\_\_\_, Send Greeting:

WHEREAS by virtue of a warrant under the hand of the Warden (or Mayor or Reeve) and seal of the said County (or City or Town or Township), bearing date the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand nine hundred and \_\_\_\_\_, commanding the Treasurer of the said County (or City or Town or Township) to levy upon the land hereinafter mentioned for the arrears of taxes due thereon, with his costs, the Treasurer of the said County (or City or Town or Township) did, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, sell by public auction to \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in the County of \_\_\_\_\_, that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of \_\_\_\_\_ of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon up to the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand nine hundred and \_\_\_\_\_, together with the costs:

Now know ye, that we, the said \_\_\_\_\_ and \_\_\_\_\_, as Warden (or Mayor or Reeve) and Treasurer of the said County (or City or Town or Township) in pursuance of such sale, and of *The Assessment Act*, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said \_\_\_\_\_, his heirs and assigns, all that certain parcel or tract of land and premises containing \_\_\_\_\_ being composed of (*describe the land so that the same may be readily identified*).

In witness whereof, we the said Warden (or Mayor or Reeve) and Treasurer of the said County (or City or Town or Township) have hereunto set our hands and affixed the seal of the said County (or City or Town or Township), this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand nine hundred and \_\_\_\_\_; and the Clerk of the County (or City or Town or Township) Council has countersigned.

A. B., Warden (or Mayor or Reeve), (*Corporate Seal*.)

C. D., Treasurer.

Countersigned,

E. F., Clerk.

R.S.O. 1927, c. 238, Form 11.

# FORM 11.

(Section 73, Subsection 4.)

## FORM OF AFFIDAVIT AS TO TEMPORARY ABSENCE.

I, \_\_\_\_\_, make oath and say as follows:  
A. B. is a British subject by birth (or naturalization) and is not a citizen or a subject of any foreign country and has resided in the Dominion of Canada for the nine months next preceding the \_\_\_\_\_ day of \_\_\_\_\_ in the present year (*the day to be filled in here is the date on which by Statute or by-law the Assessor is to begin making his roll*).

He (or she) was at the said date in good faith a resident of and domiciled in (*giving name of municipality for which the Assessor is making his roll*), and has resided therein continuously from the said date, and he now resides therein at (*here give the residence by the number thereof, if any, and the street or locality whereon or wherein the same is situated, if in a town or village. If the residence is in a township, give the concession wherein, and the lot or part of lot whereon it is situated*).

And he (or she) has not been absent from Ontario during the said nine months except occasionally or temporarily or as a member of a permanent militia corps enlisted for continuous service or on service as a member of the active militia, or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say (*here name institution*) as the case may be.

He (or she) is of the full age of 21 years, and is not disqualified under *The Election Act* or otherwise by law prohibited from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at \_\_\_\_\_ in the County of \_\_\_\_\_ of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Signature of Voter.)

(Signature of J.P., or Commissioner, etc.)

(The oath may be taken before any Assessor or any Justice of the Peace, Commissioner for taking Affidavits, or Notary Public.)

R.S.O. 1927, c. 238, Form 12,

## CHAPTER 273.

## The Municipal Subsidy Act.

Provincial  
subsidy to  
municipalities to  
reduce  
taxation.

**1.** During the year 1937 and in each year thereafter while this Act remains in force there shall be paid out of the Consolidated Revenue Fund by way of grant or subsidy to the municipal corporation of each city, town, village and township in Ontario a sum of money equal to that which would be produced from the levy by the council thereof of a rate of one mill in the dollar upon all the rateable property in the municipality according to the last revised assessment roll thereof on which the rates of general municipal taxation for the year 1937 and each year thereafter have been or are to be levied. 1937, c. 51, s. 2.

Application  
of subsidy.

**2.**—(1) The grant or subsidy to be paid to any municipal corporation under the authority of section 1 shall when received by it be applied by the council thereof solely for the purpose of reduction of the general municipal tax rate levied or to be levied for the year 1937 and in each year thereafter, so that the benefit of such grant or subsidy will accrue, directly, to the benefit of the ratepayers of the municipality, and the same shall not be applied or used by the council for any other purpose.

Reduction  
of tax rate  
or  
avoidance  
of increase.

(2) To effectuate the said benefit, the said grant or subsidy shall be applied by the council of a municipality by way of actual reduction of a general municipal tax rate by one mill in the dollar or by actual avoidance or lessening by one mill in the dollar of an increase in the general tax rate over and above the general municipal tax rate which was levied in the preceding year, if from any unavoidable or uncontrollable cause the council is or will be required for the current year to make such increase. 1937, c. 51, s. 3.

Regulations.

**3.** The Lieutenant-Governor in Council may make regulations,—

(a) governing applications by municipalities for the said grant or subsidy, the times when and form in which such applications shall be made and the times when and manner in which the same shall be directed to be paid out of the Consolidated Revenue Fund;



- (*b*) governing the application and use by municipalities of the said grant or subsidy when received by them and the transfer thereof to the ratepayers of the municipalities so that they will benefit directly, and the form and manner in which such transfer shall be made to the ratepayers and be disclosed upon the tax bills of the municipality or otherwise;
- (*c*) for withholding any grant or subsidy under this or any Act from any municipality which fails to furnish satisfactory evidence that the grant or subsidy to be made under this Act will be applied for the purpose intended by this Act or which having received the said grant or subsidy has failed so to apply it; and
- (*d*) generally, to ensure that the purpose of this Act will be carried out. 1937, c. 51, s. 4.

## CHAPTER 274.

## The Statute Labour Act.

## EXEMPTIONS.

Exemption  
of persons  
in naval  
and military  
service.

**1.** The following persons shall not be liable to perform statute labour or to commute therefor,—

- (a) every person in His Majesty's Naval or Military Service on full pay, or on actual service;
- (b) every non-commissioned officer or private of the volunteer force, certified by the officer commanding the company to which such volunteer belongs or is attached, as being an efficient volunteer; but this last exemption shall not apply to any volunteer who is assessed for property. R.S.O. 1927, c. 239, s. 1. (NOTE.—*See Firemen's Exemption Act, Rev. Stat., c. 281.*)

## POLL TAX.

Poll tax—  
who liable  
for.

**2.**—(1) Councils of cities, towns, villages and townships may pass by-laws for levying and collecting an annual tax to be known as "poll tax" of not less than \$1 and not more than \$10 from every male inhabitant of the municipality who,—

- (a) is twenty-one years or over and under sixty years of age;
- (b) is not exempt from performing statute labour;
- (c) is not otherwise assessed in the municipality or who is assessed and whose taxes are less than the poll tax;
- (d) has not filed with the clerk a certificate showing that he has been assessed or performed statute labour or paid poll tax elsewhere in Ontario. R.S.O. 1927, c. 239, s. 2 (1); 1935, c. 66, s. 18.

Payment  
where taxes  
less than  
poll tax.

(2) Where any person is assessed and his taxes are less than the amount of the poll tax, he shall be liable to pay the poll tax only.

Payment to  
collector by  
employer.

(3) Where any such male inhabitant has been employed by the same person for not less than thirty days, such employer shall pay over to the collector on demand out of any wages

due to such employee the amount of such tax and such payment shall relieve the employer from any liability to the employee for the amount so paid. R.S.O. 1927, c. 239, s. 2 (2, 3).

## STATUTE LABOUR.

**3.**—(1) Every person assessed upon the assessment roll of a township, which has not passed a by-law abolishing statute labour shall, if his property is assessed at not more than \$300, be liable to two days' statute labour; at more than \$300 but not more than \$500, three days; at more than \$500 but not more than \$700, four days; at more than \$700 but not more than \$900, five days; and for every \$300 over \$900, or any fractional part thereof over \$150, one additional day; but the council may, by a by-law operating generally and rateably, reduce or increase the number of days' labour to which all the persons, rated on the assessment roll or otherwise, shall be respectively liable so that the number of days' labour to which each person is liable shall be in proportion to the amount at which he is assessed, and in all cases both of residents and non-residents, the statute labour shall be rated and charged against every separate lot or parcel according to its assessed value.

Number of days of statute labour.

Power of council to increase or reduce.

(2) Wherever one person is assessed for lots or parts of several lots in different parts of the township, not exceeding in the aggregate two hundred acres, the said part or parts shall be rated and charged for statute labour as if the same were one lot, and the statute labour shall be rated and charged against any excess over two hundred acres as if the excess were one lot.

Case of parts of lots owned by one person.

(3) Every resident shall have the right to perform his whole statute labour in the statute labour division in which his residence is situate, unless otherwise ordered by the municipal council.

Where labour to be performed.

(4) The council may pass by-laws for regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended. R.S.O. 1927, c. 239, s. 3.

Regulations as to performance.

**4.**—(1) The council or any township may by by-law direct that a sum not exceeding \$3 a day shall be paid as commutation of statute labour for the whole or any part of such township, in which case the amount of the commutation shall be added in a separate column in the collector's roll and shall be collected and accounted for like other taxes.

Commutation of labour.

Idem.

(2) Where no such by-law has been passed, the statute labour in respect to lands of residents and non-residents shall be commuted at the rate of \$2 for each day's labour. R.S.O. 1927, c. 239, s. 4.

Labour in township in which poll tax is not levied.

**5.**—(1) In a township which has not passed a by-law abolishing statute labour or a by-law for levying poll tax every male inhabitant of the township who,—

(a) is twenty-one years or over and under sixty years of age;

(b) is not exempt from performing statute labour;

(c) is not otherwise assessed in the township;

(d) has not filed with the clerk a certificate showing that he has been assessed or performed statute labour or paid poll tax elsewhere in Ontario;

shall be liable to one day of statute labour on the roads and highways in the township.

Case of farmer's son.

(2) Every farmer's son entered as such on the assessment roll of a township shall, if not otherwise exempted by law, be liable to perform statute labour or commute therefor as if he were not so entered. R.S.O. 1927, c. 239, s. 5.

Abolition of labour.

**6.** The council of every township may pass by-laws to abolish statute labour. R.S.O. 1927, c. 239, s. 6.

Collection of poll tax.

**7.**—(1) Every person liable to pay poll tax shall pay the same to the collector appointed to collect the same within two days after demand therefor by the collector, and in case of neglect or refusal to pay the same, the collector may levy the same by distress and sale of the goods and chattels of the defaulter, with costs of distress, and if no sufficient distress can be found, the defaulter, for his refusal or neglect to pay the said sum, shall incur a penalty of \$10. R.S.O. 1927, c. 239, s. 7 (1); 1936, c. 56, s. 17, *part*.

Penalty for non-performance.

(2) Any person liable to perform statute labour under section 5, not commuted, shall perform the same when required so to do by the pathmaster or other officer of the municipality appointed for that purpose, and, in case of wilful neglect or refusal to perform such labour after six days' notice requiring him to do the same, shall incur a penalty of \$10. R.S.O. 1927, c. 239, s. 7 (2); 1936, c. 56, s. 17, *part*.

Payment of penalties to treasurer.

(3) All sums and penalties, other than costs, recovered under this section shall be paid to the treasurer of the local



municipality and shall form part of the statute labour fund thereof. R.S.O. 1927, c. 239, s. 7 (3).

**8.** A non-resident owner of unoccupied land shall not be permitted to perform statute labour in respect thereof; but such labour shall be commuted and the amount of the commutation shall be charged against every separate lot or parcel and be entered in the collector's roll, and the council shall order all sums paid on that account to be expended in the statute labour division in which the land is situate. R.S.O. 1927, c. 239, s. 8.

Commutation in case of non-resident owner of unoccupied land.

**9.—(1)** Where an owner or tenant makes default in performing his statute labour or in payment of commutation for the same, the overseer of highways in whose division he is placed shall return him as a defaulter to the clerk of the municipality before the 15th day of August, and the clerk shall in that case enter the commutation for statute labour against the land in the collector's roll of the current or following year, and the same shall be collected by the collector.

If resident owner, etc., makes default commutation for statute labour to be entered upon collector's roll.

(2) In every such case the clerk shall notify the overseer of highways who may be appointed for such division in the following year, or after it has been collected, of the amount of such commutation, and the overseer shall expend the amount of such commutation upon the roads in the statute labour division where the property is situate, and shall give an order upon the treasurer of the municipality to the person performing the work. R.S.O. 1927, c. 239, s. 9.

Overseer to expend the commutation money in the division.

### *Statute Labour in Unincorporated Townships—Road Commissioners.*

**10.—(1)** Twenty resident landholders in any unincorporated township or in any designated part of any unincorporated township or in any two contiguous unincorporated townships or in any designated parts of two such contiguous townships shall have the right to have a public meeting called for the purpose of electing road commissioners. R.S.O. 1927, c. 239, s. 10; 1933, c. 59, s. 23 (1) *part*.

Meeting for election of road commissioners.

(2) In this section and in the following sections of this Act "landholder" shall mean owner, locatee, purchaser or tenant who is a British subject. 1933, c. 59, s. 23 (1) *part*.

"Landholder,"—meaning of.

**11.—(1)** The landholders desiring the meeting to be called shall sign a requisition authorizing some one of their number, who shall be named in the requisition, to call a meeting of the resident landholders of such township or townships or of the

Requisition for meeting.

designated part or parts of such township or townships for the purpose of electing road commissioners. R.S.O. 1927, c. 239, s. 11 (1); 1933, c. 59, s. 23 (2).

Where jurisdiction to extend over parts of two townships.

(2) Where it is proposed that the road commissioners shall have jurisdiction over two townships or designated parts of two townships, the requisition shall be signed by at least eight resident landholders in any one township or part of a township, and shall also designate what parts of the township are to be included. R.S.O. 1927, c. 239, s. 11 (2).

How meeting may be called in case person named in requisition fails to call it.

**12.** In case the person so named declines to call a meeting or neglects to do so for ten days after the requisition is presented to him, any three of the persons who signed the requisition may call the meeting. R.S.O. 1927, c. 239, s. 12.

Notice of meeting.

**13.** The notice calling the meeting shall name a place, day and hour for holding it and shall be posted up in at least six conspicuous places and at each post office and public school house in the township or townships, as the case may be, and the day named shall be at least ten days from the date of the notice. R.S.O. 1927, c. 239, s. 13.

Number of commissioners.

**14.** The election shall take place at the time named, and the number of the commissioners to be elected shall be either three or five, as may be stated in the requisition, unless the meeting, before proceeding to an election, decides that a number different from that stated in the requisition shall be elected, but such number shall not be less than three nor more than five. R.S.O. 1927, c. 239, s. 14.

Chairman of meeting.

**15.** In case the meeting is called by the person named in the requisition, he shall be entitled to preside at the meeting as chairman, but if he is absent, or declines to act, the landholders present may appoint another chairman, and the chairman shall act as returning officer and shall, in the event of a tie, have a casting vote, although he may have previously voted, and the landholders present shall also appoint a secretary, who shall record the proceedings. R.S.O. 1927, c. 239, s. 15.

Mode of voting.

**16.—(1)** The landholders present shall decide how the voting for commissioners shall be conducted, and if the vote is taken openly, the commissioners shall be elected one at a time, but if it is decided to proceed by ballot, all the commissioners shall be elected together, each person having the right to vote for as many persons as there are commissioners to be elected. R.S.O. 1927, c. 239, s. 16.

(2) Every person shall be entitled to vote in the election of such road commissioners who is,— Qualification of voters.

- (a) of full age of twenty-one years;
- (b) a British subject by birth or naturalization; and
- (c) a landholder in the township or townships, or part or parts thereof for which such election is held.

(3) Where there is not a sufficient number of resident landholders who are British subjects to have a meeting called for the election of road commissioners pursuant to the requirements of this Act, the Minister of Lands and Forests, upon the application in writing of any three resident landholders in such township, may in writing, certify to such effect and in such case, resident landholders otherwise qualified who are and who are not British subjects may have the meeting called and vote in the election of road commissioners. 1933, c. 59, s. 23 (3). Where sufficient British subjects are not available.

**17.** No person may be elected as a road commissioner unless he is a British subject and otherwise qualified to vote in the election of road commissioners. 1933, c. 59, s. 23 (4). Qualification of road commissioners.

**18.** The chairman shall, at the request of any two landholders present, direct the secretary to record the names of all persons voting and, unless the vote is by ballot, how each votes. R.S.O. 1927, c. 239, s. 17. Record of persons voting.

**19.**—(1) If an objection is made to the right of any person to vote at the meeting, such person shall name the property in respect of which he claims the right to vote, and the chairman shall administer to such person an oath, or affirmation if he be by law permitted to affirm, according to the following form, whereupon such person shall be permitted to vote. Objections to voters.

You swear (or *if the voter is entitled to affirm*, solemnly affirm) that you are of the age of twenty-one years, and that you are the owner, tenant, purchaser or locatee of lot in the concession of this township, that you are a British subject, and that you are entitled to vote at this election.

So help you God.

R.S.O. 1927, c. 239, s. 18; 1933, c. 59, s. 23 (5).

(2) In the case of an election held under the authority of subsection 3 of section 16, it shall not be necessary that a person desiring to vote be required to make oath or affirm that he is a British subject, and the form set forth in subsection 1 shall be amended accordingly. 1933, c. 59, s. 23 (6). When oath, etc., not necessary.

Term of  
office.

**20.** The commissioners elected shall hold office until the 31st day of December next after their election, and shall take, before a justice of the peace, a declaration of office similar to that of a councillor of a township. R.S.O. 1927, c. 239, s. 19.

First  
meeting of  
commis-  
sioners.

**21.** The commissioners shall meet within a fortnight after their election, and shall then or as soon thereafter as may be, name the roads and parts of roads upon which statute labour is to be performed, and shall appoint the places and times at which the persons required to perform statute labour are to work. R.S.O. 1927, c. 239, s. 20.

Powers of  
road com-  
missioners  
as to  
opening  
roads.

**22.—(1)** The commissioners shall have power to open road allowances when the same have been laid down in the original surveys, and where such road allowances are either wholly or partly impracticable to lay out roads in lieu thereof and direct the performance of statute labour thereon, and where no road allowances are laid down in the original surveys, but five per centum of the area is reserved for roads, the commissioners may lay out roads where necessary and direct the performance of statute labour accordingly.

Filing plan  
of roads in  
Department  
of Lands  
and Forests.

**(2)** In cases of deviations from road allowances and of roads laid out where there are no road allowances as above provided, the commissioners shall cause a plan thereof, so far as the same affects ungranted lands of the Crown, to be made by an Ontario land surveyor and shall file the same in the Department of Lands and Forests and the commissioners may pay the cost of preparing such plan out of any moneys received by way of commutation of statute labour.

Compensa-  
tion for land  
taken for  
deviation.

**(3)** In the case of a deviation passing over any patented improved land, the commissioners may pay to the owner of the land taken for the purpose of making the deviation the value of it as may be agreed upon between the commissioners and the owner, or in case of disagreement as may be fixed by the judge of the district court of the district on an application made to him by the commissioners for that purpose. R.S.O. 1927, c. 239, s. 21.

Time for  
performance.

**23.** The time for the performance of statute labour shall from time to time be regulated and fixed by resolution of the commissioners. R.S.O. 1927, c. 239, s. 22.

Amount of  
statute  
labour to be  
performed.

**24.—(1)** Each owner, locatee, purchaser or tenant of land may be required to perform one day's labour for every fifty acres and one day's labour for the remainder of the acreage held by him, where the total acreage held by him divided by fifty leaves a remainder, and for the first ten acres which he



has cleared after the first ten, he may be required to perform one day's additional labour, and for every twenty acres over and above the first ten, one additional day's labour, and each householder who is not an owner, locatee, purchaser, or tenant of the land may be required each year to perform one day's labour.

(2) Any owner, locatee, purchaser or tenant of land holding less than fifty acres may be required to perform statute labour as the commissioners may direct, but not exceeding the scale provided for in subsection 1 where the land is in part cleared and not exceeding one day where no part of the land is cleared. 1933, c. 59, s. 23 (7).

**25.**—(1) Each commissioner shall, during the time he is required to perform statute labour, act as overseer, and the commissioners shall arrange among themselves for overseeing the various bodies of men engaged in doing statute labour. Commissioners to oversee work.

(2) A commissioner may be paid out of the commutation fund for not exceeding two days' labour at the rate of \$3 per day if performed by him over and above the number of days' labour he may by law be required to perform in respect of his own property. Payment of commissioners.

(3) The commissioners shall have the same powers as municipal corporations have in reference to statute labour to appoint overseers and require returns to be made to them of the statute labour performed in their districts. R.S.O. 1927, c. 239, s. 24. General powers.

**26.** Any person instead of performing the statute labour required of him may commute therefor by payment at a rate not exceeding \$3 per day as may be fixed by resolution of the commissioners, and the commissioners shall expend all commutation money upon the roads on which the labour which is commuted for should have been performed, unless in the opinion of the commissioners, such money should be expended on other roads under their jurisdiction. R.S.O. 1927, c. 239, s. 25. Commutation.

**27.**—(1) The commissioners may by resolution direct that a sum not exceeding \$3 per day shall be paid as commutation of statute labour for the whole of the township; provided, however, that such resolution shall not take effect until the same has been submitted to and sanctioned by the majority of the landholders present at the annual meeting or at a special meeting called in the manner provided for in this Act for the election of commissioners. Commutation of statute labour in townships.

Record of persons liable to commutation.

(2) The name of every person liable for the payment of the commutation shall be entered in the book directed to be kept by section 30, and the commissioners shall expend all commutation moneys received on the roads upon which the labour which is commuted for should have been performed unless in the opinion of the commissioners, such money should be expended on other roads under their jurisdiction. R.S.O. 1927, c. 239, s. 26.

Meeting for election of new commissioners.

**28.** The majority of the commissioners may call a meeting to be held at any time during the month of January for the election of their successors, but in case of their failure so to do a meeting may be called in the manner hereinbefore provided for a first election. R.S.O. 1927, c. 239, s. 27.

Penalty for neglect to perform work.

**29.** Any person liable to perform statute labour under the provisions of sections 10 to 31 who, after six days' notice requiring him to do the same, wilfully neglects or refuses to perform, at the time and place named by the commissioners, the number of days' labour for which he is liable, shall incur a penalty of \$5, and in addition the amount of the commutation money as fixed by the commissioners under section 26, for each day in respect of which he makes default, the same to be paid to the commissioners and to be expended in improving the said roads, or such other roads as, in the opinion of the commissioners, require improvement. R.S.O. 1927, c. 239, s. 28.

Book to be kept.

**30.**—(1) The commissioners shall cause a book to be kept in which there shall be entered the name of every person liable for the performance of statute labour or payment of the commutation and the lot or parcel of land in respect of which he is so liable.

Entry of payment or performance.

(2) Upon the performance of statute labour or payment of the commutation, entry shall be made thereof in the book in a column provided for that purpose.

Entry of default.

(3) Where any person after six days' notice in writing from the commissioners does not perform his statute labour the commissioners shall cause an entry thereof to be made and in the proper column shall enter the amount of such commutation against the name of the person in default.

Form of roll.

(4) The book shall be kept as nearly as may be in the form of a collector's roll for an organized township, and shall be available for inspection at all reasonable times by any owner or locatee of land, or householder in the area over which the commissioners have jurisdiction.

(5) On the 1st day of June in the year following that in which default was made, the commissioners shall make a return to the sheriff of the district, showing each lot or parcel of land upon which the commutation has not been paid, the name of the owner or locatee, the amount chargeable at the date of the return and the year for which the amount in arrear was imposed.

Return of  
arrears to  
sheriff,

(6) The sheriff shall enter the particulars so furnished in a book to be kept by him for that purpose.

Sheriff to  
keep account  
of arrears.

(7) The commissioners shall not receive any payments on account of such arrears after the expiration of two years from the date when the same became due and chargeable, but in the case of payments made within that period, the commissioners shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book kept by him for that purpose.

Payment of  
arrears not  
to be made  
to commis-  
sioners  
after two  
years.

(8) After the expiration of the said period of two years, all arrears shall be payable to the sheriff and the sheriff shall enter every payment in the book kept by him and shall return the amount paid to the commissioners.

After two  
years all  
arrears to  
be paid to  
sheriff.

(9) All arrears chargeable under this section shall bear interest at the rate of ten per centum per annum.

Arrears to  
bear interest

(10) Wherever it appears from the entries in the book kept by the sheriff that any amount chargeable for statute labour is in arrear for three years from the 31st day of December in the year in which the same became payable, the sheriff shall proceed to collect the same with interest at the rate aforesaid by the sale of the lands in respect of which such arrears are chargeable and the procedure in relation to such sale and the provisions applicable to deeds, the redemption of lands thereafter and deeds to be given to tax purchasers shall be the same as nearly as possible as in the case of the sale of lands by the sheriff for arrears of taxes in organized municipalities in the Provisional Judicial Districts of Muskoka and Parry Sound. R.S.O. 1927, c. 239, s. 29.

Sale of land  
by sheriff  
for arrears.

**31.** The commissioners, when duly elected, shall serve during the term for which they are elected or shall forfeit the sum of \$5, which may be sued for, together with costs, in any court having jurisdiction by any three electors making the complaint. R.S.O. 1927, c. 239, s. 30.

Penalty for  
neglect to  
serve as  
commis-  
sioners.

#### RECOVERY OF PENALTIES.

**32.** The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 239, s. 31.

Rev. Stat.,  
c. 136.

## CHAPTER 275.

## The Municipal Employees Pensions Fund Act.

Interpre-  
tation.**1.** In this Act,—“Contribu-  
tor.”

(a) “Contributor” shall mean an employee who contributes to a pension fund;

“Employee.”

(b) “Employee” shall mean any officer, clerk, workman, servant or other person in the employ of the corporation of a municipality or of a local board;

“Local  
board.”

(c) “Local board” shall include school board, public library board, parks board, cemetery board, local board of health, public utility board or commission, police commission and any other local body, board or commission which under the authority of any general or special Act functions for local government purposes in any municipality or municipalities or any part or parts thereof;

“Municipi-  
pality.”

(d) “Municipality” shall mean a county, city, town, village or township;

“Pensions  
board.”

(e) “Pensions board” shall mean such Department of the Government or persons in the public service of the Province, or such commission or board as may be designated or approved by the Lieutenant-Governor in Council to administer this Act;

“Pensions  
fund.”

(f) “Pensions fund” shall mean a fund established under this Act for employees of a municipality or local board and shall include any form of pensions scheme to which employees are required to contribute;

“Regu-  
lations.”

(g) “Regulations” shall mean regulations made under the authority of this Act. 1937, c. 50, s. 2.

Establish-  
ment of  
pensions  
fund.**2.—**(1) Subject to the regulations, the council of a municipality may pass a by-law to establish and maintain a pensions fund for employees as provided by this Act.Scope of  
by-law.

(2) The by-law may extend to include all employees of the municipality and of every local board thereof or may be limited and applicable to only such employees or classes of employees as the by-law may specify.



(3) No by-law shall include employees of a local board unless such local board has first, by resolution, consented to such inclusion. Employees of local boards.

(4) A by-law passed under the authority of this Act shall not have any force or effect until it is approved by the pensions board. By-law to be approved.

(5) The provisions of this Act shall not apply to school teachers and inspectors to whom *The Teachers' and Inspectors' Superannuation Act* is applicable, nor to employees of a municipal hydro-electric commission to whom a pensions fund established under *The Power Commission Act* is applicable. Exceptions from the Act. Rev. Stat. cc. 366, 62.  
1937, c. 50, s. 3.

**3.**—(1) The pensions board shall make regulations governing the establishment and maintenance of pensions funds to which every pensions fund and every by-law passed in relation thereto shall conform. Regulations.

(2) No pensions fund shall be approved until the pensions board is satisfied that such fund is being established upon an actuarially sound basis. 1937, c. 50, s. 4. Actuarial soundness.

**4.**—(1) Every pensions fund established by a municipality with the approval of the pensions board shall be maintained in accordance with the regulations and shall be contributed to by the municipality and by the local boards to which it extends and by the employees who are to be contributors thereto. Maintenance of pensions fund and contributions thereto.

(2) Every contribution to a pensions fund shall be made to the treasurer of the municipality who shall account for and pay over such contribution to the pensions board as required by the regulations. 1937, c. 50, s. 5. Contributions to be transferred to pensions board.

**5.**—(1) The moneys of every pensions fund when received by the pensions board shall be invested in such securities as trustees are by law authorized to invest trust funds, and all such moneys and investments shall be held in the name of the pensions board. Investment of funds.

(2) The moneys of every pensions fund shall be accounted for separately by the pensions board, but such moneys and any investments representing the moneys of the several pensions funds under its control need not be kept separately, but may be held, deposited and invested together. 1937, c. 50, s. 6. Separate accounting and pooling of funds.

**6.**—(1) Contributions to be made to a pensions fund by any employee who is a contributor thereto shall be deducted by the council or local board, as the case may be, from the salary, wages or other remuneration of the employee. Deduction of employees' contributions.

Contributions by municipality and local board.

(2) The council of a municipality which has by by-law established a pensions fund under this Act and every local board to the employees of which it extends shall contribute to the pensions fund according to the by-law and regulations, and the amounts of such contributions for each year shall be deemed to be a current expenditure to be provided for with other current expenditures. 1937, c. 50, s. 7.

Quintennial review of pensions funds.

**7.**—(1) The pensions board shall have every pensions fund reviewed at least once in every five years to satisfy itself that it is being maintained upon an actuarially sound basis, and every pensions fund shall from time to time be so amended to maintain actuarial soundness as the pensions board may direct.

Pensions payments.

(2) Payments of pensions to employees who are contributors out of any pensions fund shall be made according to the regulations. 1937, c. 50, s. 8.

Commencement of Act.

**8.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. 1937, c. 50, s. 9.

## 2. FEDERAL DISTRICT COMMISSION.

## CHAPTER 276.

## The Federal District Commission Act.

**1.** The councils of the corporations of the City of Ottawa, the County of Carleton, the County of Russell and of any municipality in either of the said counties or of any of them may, with the approval of the Ontario Municipal Board first obtained, convey to The Federal District Commission for a real or nominal consideration any highway, square, street, avenue, drive, thoroughfare or bridge, or interest therein, vested in the municipality upon such terms and subject to such conditions as may be agreed upon between the council and the said Commission. 1934, c. 16, s. 2.

Transfer of  
highways,  
etc., to  
Federal  
District  
Commis-  
sion by  
agreement.

**2.** The corporation of any municipality in which land vested in the said Commission is situate or which lies within three miles of any such land may enter into agreements with the said Commission for the undertaking by the corporation in, upon, under, through, across or along any such land of any work of any of the characters or descriptions mentioned in *The Local Improvement Act* and any such agreement may provide for the maintenance, repair and renewal of any work so undertaken. 1934, c. 16, s. 3.

Undertaking  
of local  
improve-  
ment works  
by  
municipality  
by  
agreement.

Rev. Stat.,  
c. 269.

**3.** Any work undertaken by the corporation of a municipality pursuant to any agreement entered into with the said Commission under section 2 may by the corporation be undertaken as a local improvement under the provisions of *The Local Improvement Act* and in accordance with the provisions thereof, notwithstanding that the land wherein, whereon or whereunder the same is undertaken is not a street or land vested in such corporation or that the council thereof has limited or no jurisdiction or control thereover. 1934, c. 16, s. 4.

Assessment  
of cost of  
works  
undertaken.

Rev. Stat.,  
c. 269.

**4.** Every agreement entered into under this Act may provide that the corporation of the municipality entering into the same shall solely be responsible for any injury, loss or damage resulting from or by reason of the undertaking, execution or existence of any work undertaken pursuant to such agreement during the time of its construction and after its completion or

Liability of  
municipality  
for actions.

from non-repair of the same, and for all claims, demands, actions, suits, proceedings, costs and damages resulting therefrom. 1934, c. 16, s. 5.

Assent of  
electors not  
requisite.

**5.** It shall not be necessary that any agreement entered into hereunder or any by-law authorizing such agreement be submitted to or receive the assent of the electors of the municipality, the corporation of which enters into the agreement. 1934, c. 16, s. 6.

Rev. Stat.,  
c. 266,  
ss. 495, 496,  
and 498 not  
to apply.

**6.** Sections 495, 496 and 498 of *The Municipal Act* shall not apply with respect to any highway conveyed to the said Commission under the authority of this Act. 1934, c. 16, s. 7.

Rev. Stat.,  
c. 266, s.  
506, to  
apply.

**7.** Section 506 of *The Municipal Act* shall apply to enable the council of any of the municipalities mentioned in section 1 to grant aid to the said Commission for any of the purposes mentioned in the said section. 1934, c. 16, s. 8.

Validity of  
conveyances  
and  
agreements.

**8.** Any conveyance made and agreement entered into pursuant to the authority of this Act shall be legal, valid and binding upon the corporation of the municipality entering into the same and the ratepayers thereof, and shall not be open to question in any court. 1934, c. 16, s. 9.



## 3. MISCELLANEOUS MUNICIPAL MATTERS.

## CHAPTER 277.

## The Municipal Franchises Act.

## 1. In this Act,—

Interpreta-  
tion.

(a) "Franchises" shall include any right or privilege to which this Act applies; "Franchises."

(b) "Gas" shall include natural gas, artificial gas, or any mixture of natural gas and artificial gas;

(c) "Highway" shall include a street and a lane; "Highway."

(d) "Public utility" shall include waterworks, natural and other gas works, electric light, heat or power works, steam heating works, and distributing works of every kind. R.S.O. 1927, c. 240, s. 1; 1929, c. 65, s. 2. "Public utility."

2. A municipal corporation shall not enter into or renew any contract for the supply of electrical power or energy to the corporation or to the inhabitants thereof, until a by-law setting forth the terms and conditions of such contract has been first submitted to, and has received the assent of the municipal electors in the manner provided by *The Municipal Act*. R.S.O. 1927, c. 240, s. 2.

Assent to  
contracts  
for supply  
of electric  
power.Rev. Stat.,  
c. 266.

3.—(1) A municipal corporation shall not grant to any individual, firm or company, nor shall any individual, firm or company acquire the right to use or occupy any of the highways of the municipality or to construct or operate any railway, street railway, or public utility in the municipality, or to supply to the corporation, or to the inhabitants of the municipality, or to any of them, gas, electric light, heat or power or steam unless or until a by-law setting forth the terms and conditions upon which and the period for which such right is to be granted has been assented to by the municipal electors, as provided by *The Municipal Act*, with respect to by-laws requiring the assent of the electors. R.S.O. 1927, c. 240, s. 3 (1); 1929, c. 65, s. 3.

Assent to  
franchise.Rev. Stat.,  
c. 266.

(2) Where the trustees of a police village request the council of the township in which the village is situate to grant any

In police  
villages.

such right with respect to the village, or where the board of trustees of a police village desire to grant such a right, it shall be a sufficient compliance with subsection 1 if the by-law receives the assent of the municipal electors of the village.

Renewals  
and exten-  
sions.

(3) This section shall apply to the renewal or extension of an existing franchise. R.S.O. 1927, c. 240, s. 3 (2, 3).

Consent of  
council of  
city over  
200,000  
when  
required.

4. The council of a local municipality shall not grant any franchise upon any highway of the municipality within a radius of five miles of the boundary of any city without notice in writing to the council of such city, and if the council of the city, within four weeks after the receipt of such notice, gives a notice in writing to the council of such local municipality that it objects to the granting of the franchise the approval of the Ontario Municipal Board shall be obtained, and if the council of such city does not give such notice within such time, it shall be deemed to have no objection and the council of such local municipality may grant such franchise with the assent of the municipal electors of such local municipality as provided by section 3. R.S.O. 1927, c. 240, s. 4.

Extension  
of certain  
existing  
works not  
to be made  
without  
by-law.

5.—(1) Where a by-law granting a franchise or right in respect of any of the works or services mentioned in subsection 1 of section 3, which has not been assented to by the municipal electors as provided by that subsection, was passed before the 16th day of April, 1912, no extension of or addition to the works or services constructed, established or operated under the authority of such by-law as they existed and were in operation at that date shall be made except under the authority of a by-law hereafter passed with the assent of the municipal electors, as provided by subsection 1 or subsection 2 of section 3, and such consent shall be necessary, notwithstanding that such last mentioned by-law is expressly limited in its operation to a period not exceeding one year.

Exceptions  
as to fran-  
chises  
granted  
before 16th  
March, 1909.

(2) Subsection 1 shall not apply to any franchise or right granted by or under the authority of any general or special Act of this Legislature before the 16th day of March, 1909, but no such franchise or right shall be renewed, nor shall the term thereof be extended by a municipal corporation except by by-law passed with the assent of the municipal electors as provided in section 3. R.S.O. 1927, c. 240, s. 5.

Exceptions

6. Subject to the provisions of section 2 and except as therein provided and except where otherwise expressly provided, this Act shall not apply to a by-law,—

- (a) granting the right of passing through the municipality for the purpose of continuing a line, work or system which is intended to be operated in or for the benefit of another municipality and is not used or operated in the municipality for any other purpose except that of supplying gas in a township to persons whose land abuts on a highway along or across which the same is carried or conveyed, or to persons whose land lies within such limits as the council by by-law passed from time to time determines should be supplied with any of such services; Works originating in another municipality.
- (b) conferring the right to construct, use and operate works required for the transmission of oil, gas or water not intended for sale or use in the municipality; Oil, gas and waterworks.
- (c) which is expressly limited in its operation to a period not exceeding one year and is approved by the Ontario Municipal Board; Limited to one year.
- (d) of a county or township which is approved by the Lieutenant-Governor in Council. R.S.O. 1927, c. 240, s. 6; 1929, c. 65, s. 4. Counties and townships.

**7.** Where a by-law to which clause *c* of section 6 applies is hereafter passed that clause shall not apply to any subsequent by-law in respect to the same works or any part of them or to an extension of or addition to them, although such subsequent by-law is expressly limited in its operation to a period not exceeding one year, and no such subsequent by-law shall have any force or effect unless it is assented to by the municipal electors as provided by subsection 1 of section 3. R.S.O. 1927, c. 240, s. 7. Extension of one year franchise from year to year prohibited.

**8.—(1)** Notwithstanding anything in this or any other general or special Act contained, no person shall without the approval of the Lieutenant-Governor in Council construct any works to supply or supply,— Approval for construction of gas works.

- (a) natural gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas; or
- (b) gas in any municipality in which such person was not on the 1st day of April, 1933, supplying gas and in which gas was then being supplied.

(2) No approval shall be given under this section by the Lieutenant-Governor in Council unless and until the Ontario Municipal Board certifies in writing to the Lieutenant-Gov- When approval to be withheld.

error that public convenience and necessity appear to require that such approval be given.

Jurisdiction  
of Ontario  
Municipal  
Board.

(3) The Ontario Municipal Board shall have and may exercise jurisdiction and power necessary for the purposes of this section and to grant or refuse to grant any certificate of public convenience and necessity, but no such certificate shall be granted or refused until after the Board has held a public hearing to deal with the matter upon application made to it therefor, and of which hearing such notice shall be given to such persons and municipalities as the Board may deem to be interested or affected and otherwise as the Board may direct.

Appeal.

(4) With leave of a judge thereof, an appeal shall be upon any question of law or fact to the Court of Appeal from any decision of the Ontario Municipal Board granting or refusing to grant a certificate under this section; provided application for leave to appeal is made within fifteen days from the time when such decision is given.

Time for  
issuing  
certificate.

(5) The Ontario Municipal Board shall not issue any certificate under this section until after the expiration of fifteen days from the time its decision to grant the same is given or in the event of an appeal from such decision until after the time when such appeal is determined or leave to appeal is refused.

Judgment  
of Court of  
Appeal to  
be final.

(6) Upon an appeal to the Court of Appeal its judgment thereon shall be final and not subject to further appeal therefrom, and the Ontario Municipal Board shall, if and as may be necessary, amend or vary its decision to conform to such judgment and grant or refuse to grant a certificate under this section accordingly.

Application  
of provisions  
and rules of  
practice.  
Rev. Stat.,  
c. 60.

(7) Subject as hereinbefore provided *The Ontario Municipal Board Act* shall apply to any proceedings before the said Board under this section, and the rules of and practice in the Supreme Court shall apply to any appeal to the Court of Appeal under this section. 1933, c. 39, s. 2; 1937, c. 72, s. 40.



# CHAPTER 278.

## The Municipal Drainage Act.

### INTERPRETATION.

#### 1. In this Act,—

Interpreta-  
tion.

- (a) "Construction" shall mean the original opening, making, excavating or completing of drainage work; "Construc-  
tion."
- (b) "County" shall include a provisional judicial dis- "County."  
trict;
- (c) "County court" shall include district court; "County  
court."
- (d) "Court of revision" shall mean a court of revision "Court of  
revision."  
constituted under the provisions of this Act, for the  
trial of complaints respecting assessments for drain-  
age work;
- (e) "Initiating municipality" shall mean the municipality "Initiating  
municipi-  
pality."  
undertaking the construction of any drainage work  
to which this Act applies;
- (f) "Judge" shall mean the senior, junior, or acting "Judge."  
judge of the county or district court of the county  
or district in which the municipality assessing lands  
or roads for a drainage work is situate, but shall not  
include a deputy judge;
- (g) "Maintenance" shall mean the preservation and keep- "Mainten-  
ance."  
ing in repair of a drainage work;
- (h) "Municipality" shall not include a county munici- "Municipal-  
ity."  
pality, except as an owner within the meaning of  
clause i;
- (i) "Owner" or "actual owner" shall include the execu- "Owner,"  
"actual  
owner."  
tor or administrator of an owner's estate, the guar-  
dian of an infant owner, any person entitled to sell  
or convey the land, an agent of an owner under a  
general power of attorney, or under a power of at-  
torney empowering him to deal with lands, and a  
municipal corporation as regards highways and  
bridges under their jurisdiction;
- (j) "Public utility" shall have the same meaning as in "Public  
utility."  
Rev. Stat.,  
c. 60.  
*The Ontario Municipal Board Act*;

- "Referee." (k) "Referee" shall mean the referee for the purpose of the drainage laws of Ontario as hereinafter provided;
- "Reference." (l) "Reference" shall mean a reference or transfer to the said referee under the provisions of this Act;
- "Relief." (m) "Relief" shall mean relieving from liability for causing water to flow upon and injure lands or roads;
- "Sufficient outlet." (n) "Sufficient outlet" shall mean the safe discharge of water at a point where it will do no injury to lands or roads. R.S.O. 1927, c. 241, s. 1.

#### CONSTRUCTION OF DRAINAGE WORK.

What work may be undertaken on petition.

Council to order examination and report by engineer.

**2.—(1)** Upon the petition of the majority in number of the resident and non-resident persons, exclusive of farmers' sons not actual owners, as shown by the last revised assessment roll to be the owners of the lands to be benefited in any area as described in such petition within any township, village, town or city, to the municipal council thereof, for the drainage of the area as described in the petition by means of drainage work, that is to say, the construction of a drain or drains, the deepening, straightening, widening, clearing of obstructions, or otherwise improving of any stream, creek or watercourse, the lowering of the waters of any lake or pond, or by any or all of such means as may be set forth in the petition, the council may procure an engineer or Ontario land surveyor to make an examination of the area to be drained, the stream, creek, or watercourse to be deepened, straightened, widened, cleared of obstructions or otherwise improved or the lake or pond, the waters of which are to be lowered, according to the prayer of the petition, and to prepare a report, plans, specifications and estimates of the drainage work, and to make an assessment of the lands and roads within said area to be benefited and of any other lands and roads liable to be assessed as hereinafter provided, stating as nearly as may be, in his opinion, the proportion of the cost of the work to be paid by every road and lot or portion of lot for benefit, and for outlet liability and relief from injuring liability as hereinafter defined.

Initiating proceedings for drainage of highway.

Rev. Stat., c. 56.

**(2)** The provisions of this Act shall apply and extend to any case where the drainage work is required for the drainage of a road or portion thereof, and in any such case the municipal council may proceed upon a petition describing the road or part of road to be drained, and signed by the engineer or road superintendent appointed under *The Highway Im-*

*provement Act* by the Department, county, commission or township having control over such road, and in case the road forms the boundary between two municipalities, the council of either municipality may proceed on such petition.

(3) The provisions of this Act shall apply and extend to every case where the drainage work can only be effectually executed by embanking, pumping or other mechanical operation, but in every such case the municipal council shall not proceed except upon the petition of at least two-thirds of the owners of lands within the area described according to subsection 2.

Where  
pumping,  
embanking  
required.

(4) If from the lands or roads of any municipality, company or individual, water is by any means caused to flow upon and injure the lands or roads of any other municipality, company or individual, the lands and roads from which the water is so caused to flow may, under all the formalities and powers contained herein, except the petition, be assessed and charged for the construction and maintenance of the drainage work required for relieving the injured lands or roads from such water, and to the extent of the cost of the work necessary for their relief as may be determined by the engineer or surveyor, court of revision, county judge, or referee, and such assessment may be termed "injuring liability."

When lands  
may be  
assessed for  
"injuring  
liability."

(5) The lands and roads of any municipality, company or individual using any drainage work as an outlet, or for which when the work is constructed an improved outlet is thereby provided, either directly or through the medium of any other drainage work or of a swale, ravine, creek or watercourse, may, under all the formalities and powers contained herein, except the petition, be assessed and charged for the construction and maintenance of the drainage work so used as an outlet or an improved outlet, and to the extent of the cost of the work necessary for any such outlet, as may be determined by the engineer or surveyor, court of revision, county judge or referee, and such assessment may be termed "outlet liability."

When lands  
may be  
assessed for  
"outlet  
liability."

(6) The owners of the lands and roads made liable to assessment under subsection 4 or 5 shall neither count for nor against the petition required by subsection 1 unless within the area therein described.

Certain  
owners not  
to count for  
or against  
petition.

(7) The assessment for injuring liability and outlet liability provided for in subsections 4 and 5 shall be based upon the volume, and shall also have regard to the speed of the water artificially caused to flow upon the injured lands or into the drainage work from the lands and roads liable for such assessments.

Basis of  
assessment.

Benefit by  
cut off.

(8) Any lands ~~or~~ roads from which the flow of surface water is by any drainage work cut off, may be assessed and charged for same by the engineer or surveyor of the municipality doing the work, and such assessment shall be classified and scheduled as benefit. R.S.O. 1927, c. 241, s. 2.

#### PETITION FOR CONSTRUCTION.

Form of  
petition.

**3.** The petition shall be according to Form 1, or to the like effect. R.S.O. 1927, c. 241, s. 3.

#### DUTIES OF ENGINEER OR SURVEYOR.

Oath of  
engineer or  
surveyor.

**4.—(1)** Any engineer or surveyor employed or appointed by any municipal council to perform any work under the provisions of this Act, including the assessment of real property for the purpose of drainage work, shall before entering upon his duty, take and subscribe the following oath, and shall leave the same with, or send it by registered letter post to the clerk of the municipality:

'In the matter of the proposed drainage work (*or as the case may be*) in the township of (*name*).

I (*name in full*) of the town of \_\_\_\_\_ in the county of \_\_\_\_\_, Engineer (*or* Surveyor) make oath and say, (*or* do solemnly declare and affirm):

That I will, to the best of my skill, knowledge, judgment and ability, honestly and faithfully and without fear of, favour to, or prejudice against any owner or owners, or other person or persons whomsoever, perform the duty assigned to me in connection with the above work and will make a true report thereon.

Sworn before me at the \_\_\_\_\_ of \_\_\_\_\_  
in the county of \_\_\_\_\_, this \_\_\_\_\_  
day of \_\_\_\_\_, A.D. 19 \_\_\_\_.

A Commissioner, etc. (*or* Township Clerk, *or* J. P.)

Failure to  
take oath  
not to  
invalidate.

(2) The failure of the engineer or surveyor to take the oath shall not invalidate any proceedings taken under the provisions of this Act. R.S.O. 1927, c. 241, s. 4.

Assessment  
of land  
affected.

**5.—(1)** The engineer or surveyor, in assessing the lands to be benefited or otherwise liable for assessment under this Act, need not confine his assessment to the part of the lot actually affected, but he shall nevertheless in his report show the approximate number of acres contained in the part affected by his assessment.

Apportion-  
ment of  
assessment  
on sub-  
division of  
land  
assessed.

(2) Where part of a whole lot or of a subdivision or portion of a lot assessed by the engineer has been sold since the final revision of the assessment, the owner of the part so sold or the owner of the remaining portion of the lot or subdivi-



sion or portion of a lot so assessed, may give notice to the clerk of the municipality that he requires such assessment to be apportioned between the owners of the property so assessed and subdivided, and the township engineer shall thereupon make such apportionment in writing and the same shall be filed with the clerk and shall be by him attached to the original assessment, and shall be binding on the lands assessed in the manner apportioned by the engineer, and the rate shall thereafter be levied and collected accordingly.

(3) The costs of the engineer shall be borne and paid by the parties in the manner which may be fixed or apportioned by such engineer. R.S.O. 1927, c. 241, s. 5. Costs of engineer.

**6.** The assessment upon any lands or roads for any drainage work may be shown by the engineer or surveyor placing sums of money opposite the lands or roads, and it shall not be necessary to insert the fractional part of the whole cost to be borne by the lands or roads. R.S.O. 1927, c. 241, s. 6. Assessment may be shown in money.

**7.** The engineer or surveyor, when required by the council, shall make plans, specifications and detailed estimates of the drainage work to be constructed and charge the same to the work as part of its cost. R.S.O. 1927, c. 241, s. 7. Plans, specifications and estimates.

**8.—(1)** The engineer or surveyor shall in his report and estimates provide for the construction, enlargement or other improvement of any bridges or culverts throughout the course of the drainage work rendered necessary by such work crossing any public highway or the travelled portion thereof, and he shall in his assessment apportion the cost of bridges and culverts between the drainage work and the municipality or municipalities having jurisdiction over such public highway as to him may seem just. Bridges and culverts on highways.

(2) It shall be lawful for any municipality to pass a general by-law for the purpose of assuming, as a charge upon the general funds of the municipality, the whole or such portion as such by-law may determine of the construction and maintenance of all bridges or culverts rendered necessary by any drainage work crossing public highways, or portions thereof within such municipality, and when such a by-law has been passed, it shall not be repealed, except with the permission of the referee, and so long as such by-law remains unrepealed, the engineer or surveyor shall, in his assessment, apportion the cost of such bridges and culverts in accordance with the provision of the said by-law. General by-law as to assessments for culverts, bridges on highways.

Construc-  
tion of  
access  
bridges.

(3) The engineer or surveyor shall also in his report and estimates provide for the construction or enlargement of bridges required to afford access from the lands of owners to the travelled portion of any public highway, and he shall include the cost of the construction or enlargement of such bridges in his assessment for the construction of the drainage work, and they shall, for the purposes of construction and maintenance, be deemed part of the drainage work, and the maintenance thereof may include any enlargement from time to time rendered necessary by the drainage work.

Farm  
bridges.

(4) The engineer or surveyor shall in the same manner provide for the construction or enlargement of bridges and water gate rendered necessary by the drainage work upon the lands of any owner, and shall fix the value of the construction or enlargement thereof to be paid to the respective owners entitled thereto, but the land assessed for the drainage work shall not nor shall any municipal corporation be liable for keeping such bridges and water gate in repair, and should the engineer or any surveyor deem it proper that any of such bridges should be constructed and maintained by the drainage scheme, he may so provide by his report.

Allowance  
for sever-  
ance.

(5) If the engineer or surveyor thinks it expedient to make an allowance for severance to the owner instead of providing for the construction, enlargement or other improvement of a bridge as provided by subsections 3 and 4, he shall in his report provide for payment to the owner of such amount as he may think just by way of allowance for severance, and shall in his assessment apportion such amount as he may think fit.

Allowance  
for private  
ditches.

(6) The engineer or surveyor shall likewise in his report estimate and allow in money to any person, company or corporation the value to the drainage work of any private ditch or drain, or of any ditch constructed under any Act respecting ditches or watercourses which may be incorporated in whole or in part into such drainage work or used therewith.

Disposal of  
material  
taken from  
drainage  
work.

(7) The engineer or surveyor shall further in his report determine in what manner the material taken from any drainage work, either in the construction or repair thereof, shall be disposed of, and the amount to be paid to the respective persons entitled for damages to lands and crops, if any, occasioned thereby, and shall include such sums in his estimates of the cost of the drainage work or the repairs.

Allowance  
for right  
of way,  
pumping  
works.

(8) The engineer or surveyor shall likewise in his report estimate and allow in money to any person, company or corporation the value to the drainage work of any land belonging to such person, company or corporation which it is necessary

to use for the purpose of the construction of a drainage work, or as a site for a pumping station to be used in connection with a drainage work, or as a means of access to any such pumping station; provided, however, that in the latter case the engineer or surveyor may allow for right of way only if in his opinion such right of way is sufficient for the purposes of the drainage work.

(9) Where, in the opinion of the engineer or surveyor, the cost of continuing the drainage work to a point where the discharge of water will do no injury to lands and roads, or the cost of constructing the drainage work with sufficient capacity to carry off the water, will exceed the amount of injury likely to be caused to low lying lands along the course of, or below the termination of the work, instead of continuing the work to such a point, or constructing it of such capacity, he may include in his estimate of the cost of the drainage work a sufficient sum to compensate the owners of such low lying lands for any injuries they may sustain from the drainage work, and he shall in his report determine the amount to be paid to the respective owners of low lying lands in respect of such injuries.

Assessment of compensation for damage to low lands instead of constructing drain to an outlet.

(10) Any owner of lands affected by the drainage work, if dissatisfied with the report of the engineer in respect of any of the provisions of this section, may appeal therefrom to the referee, and in every such case the notice of appeal shall be served upon the head of the council of the initiating municipality and the clerk thereof within thirty days after the adoption of the engineer's report by the council, and the referee may hear and determine the appeal in a summary manner either on his own view of the premises and after hearing the parties and if he sees fit, their witnesses, or he may direct that the further proceedings on such appeal shall be as hereinafter provided in other cases of appeals to the referee, and the referee, on an appeal under this subsection, may make such order as to him seems just, and his decision shall be final.

Appeal to referee.

(11) Any owner of lands affected by the drainage work may appeal from the report of the engineer to the referee upon the ground that the benefits to be derived from the drainage work are not commensurate with the estimated cost thereof, and in every such case the notice of appeal shall be served upon the head of the council of the initiating municipality and the clerk thereof within thirty days after the adoption of the engineer's report by the council, and the referee may hear and determine the appeal in a summary manner either on his own view of the area affected by the drainage work or any part or

Appeal to referee on ground of excessive cost.

parts thereof and after hearing the parties and if he sees fit, their witnesses, or he may direct that the further proceedings on such appeal shall be as hereinafter provided in other cases of appeals to the referee, and the referee, on an appeal under this subsection may make such order as to him seems just, and his decision shall be final.

Security for  
costs of  
appeal.

(12) No such appeal shall be proceeded with until the appellant has given security in the sum of \$100 to be deposited in money with the clerk of the initiating municipality that he will effectually prosecute the appeal and pay such costs as may be awarded by the referee if his appeal is dismissed. 1933, c. 38, s. 2.

Notice to  
persons  
assessed.

(13) Forthwith upon the filing of the engineer's report with the clerk of the municipality, the clerk shall, by letter or postal card, notify the parties assessed of such assessment and the amount thereof, and in case more than one municipality is interested in the proposed work, the clerk of such other municipality or municipalities shall forthwith, upon the filing of a copy of the engineer's report in their office, notify the parties assessed of such assessment and the amount thereof, and he shall also in like manner notify each of the owners of lands in respect of which the report provides for compensation of the date of filing the report, the amount awarded to such owner for compensation and the date of the council meeting at which the report will be read and considered. R.S.O. 1927, c. 241, s. 8 (11).

Notice to  
owners for  
whom com-  
pensation  
assessed.

Engineer to  
report on  
bench  
marks.

(14) The engineer or surveyor shall also in his report, plans, specifications and profiles sufficiently record the descriptions, locations and elevations of every bench mark or permanent level by which a drainage work is to be governed. 1931, c. 56, s. 2.

Time for  
filing report.

(15) The report of the engineer shall be filed within six months after the filing of the petition, or within such further time as the council may in their discretion from time to time appoint, and the council may adopt the report of the engineer if they see fit notwithstanding that such report is made after the six months herein fixed for making the same or after any extended period fixed by the council under this subsection, but if the engineer is unable to file his report within the time specified, the referee on the application of the engineer for an extension of time, may extend the time for the filing of the report, and shall notify the council of such extension.

If engineer  
neglects to  
do work,  
council may  
appoint  
another.

(16) In case the engineer neglects to make his report within the time limited by subsection 15, or within the time fixed by the council or referee, under that subsection, he shall forfeit



all claim for compensation for the work done by him upon the drain, and the council may employ some other engineer who shall have the same duties and powers as if originally appointed and employed.

(17) A by-law passed by the council of any municipality for the construction of any drainage work under this Act, upon the report of the engineer, shall not be quashed or declared void or illegal by reason only that the report of the engineer has not been filed within six months after the filing of the petition provided for in this Act, or within the extended period provided for in subsection 15.

By-law not to be invalid by reason of report not being filed within six months.

(18) Wherever a drainage work has been or shall be hereafter constructed upon, along, under or across the lands, permanent way, transmission lines, power lines, wires, conduits or other permanent property of a public utility, the corporation, commission, company or person or persons operating such public utility shall have the option of constructing the portion of such drainage work required to be constructed upon, along, under or across its said property.

Public utility may construct drainage work.

(19) In the event of such corporation, commission, company or person or persons not exercising such option and completing such work within a reasonable time and without any unnecessary delay such work may be constructed or completed in the same manner and under the same authority as any other portion of such work.

Non-exercise of power.

(20) In addition to all other sums lawfully assessed against the property of any public utility under the provisions of this Act the public utility shall also be assessed for and shall pay all the increase of cost of the work caused by the construction and operation of the public utility. R.S.O. 1927, c. 241, s. 8 (12-17).

Excess of cost—how borne.

**9.**—(1) The engineer and his assistants when engaged in the performance of their duties during or after the examination of the locality, may pass over, measure along, ascertain the bearings of any line, plant the stakes which he deems necessary for the performance of the work and take levels on the land of any person. R.S.O. 1927, c. 241, s. 9 (1).

Power to plant stakes, etc.

(2) The engineer or surveyor in making his survey shall establish sufficient bench marks or permanent levels by which a drainage work may be governed. 1931, c. 56, s. 3 (1).

Engineer to establish bench marks.

(3) Any person who interferes with or obstructs the engineer or his assistants in the exercise of the powers conferred by subsection 1 or interferes with, removes or destroys any bench mark or permanent level mark established under subsection

Penalty for interference with work or bench marks of engineer.

Rev. Stat.,  
c. 136.

tion 2 shall incur a penalty not exceeding \$100 recoverable under *The Summary Convictions Act*, 1931, c. 56, s. 3 (2).

Spreading  
earth and  
removing  
timber on  
road allow-  
ances.

**10.** When a drainage work is to be constructed on or along a road allowance the engineer or surveyor shall, upon the application of the municipal council controlling such road allowance, place in his estimate of the cost of the work a sum sufficient to close-chop, or grub and clear not less than twelve feet of the middle of the road allowance, if required, and to spread thereon the earth to be taken from the work, and shall charge the cost thereof to the municipality, together with its proportion of the cost of the drainage work. R.S.O. 1927, c. 241, s. 10.

#### COVERING DRAINAGE WORK.

Report on  
covering  
drains.

**11.** Where the engineer or surveyor reports in favour of covering the whole or any part of a drainage work constructed under this Act, he shall determine and state in his report the size and capacity thereof and also the material to be used in its construction, and all the provisions of this Act shall apply thereto in the same manner and to the same extent as to an uncovered or open drainage work, but in no case shall the improvement of a creek, stream or natural watercourse be made into a covered drainage work unless it provides capacity for all the surface water from lands and roads draining naturally towards and into it, as well as for all the waters from all the lands assessed for the drainage work. R.S.O. 1927, c. 241, s. 11.

#### DISTINGUISHING ASSESSMENTS.

Engineer to  
distinguish  
assess-  
ments.

**12.**—(1) The engineer or surveyor shall, in his report, assess for benefit, outlet liability and injuring liability, and shall also in his assessment schedule insert the sum charged for each opposite the land and roads liable therefor respectively and in separate columns.

Prior assess-  
ments to be  
taken into  
considera-  
tion.

(2) In fixing the sum to be assessed upon any lands or roads the engineer or surveyor may take into consideration any prior assessment on the same lands or roads for drainage work and repairs and make such allowance or deduction therefor as may seem just, and he shall, in his report, state the allowance made by him in respect thereof. R.S.O. 1927, c. 241, s. 12.

**13.** The engineer or surveyor shall determine and report to the council of the municipality by which he was employed, whether the drainage work shall be constructed and maintained solely at the expense of such municipality and the lands assessed therein, or at the expense of all the municipalities interested, and the lands therein assessed, and in what proportions. R.S.O. 1927, c. 241, s. 13.

Engineer to report, if any other municipalities are interested and how.

#### FILING REPORT.

**14.** As soon as the engineer or surveyor has completed his report, plans, specifications, assessments and estimates, he shall file the same with the clerk of the municipality by which he was employed. R.S.O. 1927, c. 241, s. 14.

Engineer to file report.

**15.—(1)** Any engineer or surveyor employed or appointed to perform any work under the provisions of this Act shall, if required so to do by the council by which he was engaged, send in his accounts to such municipalities for his services, under oath, giving detailed information as to the number of days occupied in superintending the drainage work, the number of days engaged in laying out the work, and the number of days engaged in the office making plans and preparing his report, also the number of days on which he was engaged in making assessments and inspecting the work, showing the number of hours occupied in each day, and the account shall also set out whether the work was performed on the works or in the office, and whether the time so occupied was the time of the engineer himself, or that of a clerk or assistant.

Engineer or surveyor to give detailed accounts of service under oath.

(2) The account, upon the written request of the municipal council or of any person assessed, to be filed with the clerk of the municipality, shall be audited by the judge free of charge.

Audit of account.

(3) The clerk shall deliver the account to the judge, who shall appoint a time and place at which he will proceed with the audit.

Appointment to proceed.

(4) The clerk shall give at least two days' notice of such audit to the engineer or surveyor and the head of the municipality, as well as to any person requiring the audit.

Notice.

(5) At the time and place named in such appointment the judge shall audit the account, and may disallow any charges which he may deem unreasonable, and shall certify thereon the amount to which, in his opinion, the engineer or surveyor is entitled, and the amount disallowed shall not be recoverable by the engineer or surveyor. R.S.O. 1927, c. 241, s. 15.

Procedure on audit.

## NOTICE TO PERSONS ASSESSED.

Clerk to  
notify  
parties  
assessed.

**16.** The clerk of the municipality shall notify all parties assessed within the area described in the petition, by mailing to the owner of every parcel of land assessed therein for the drainage work, a circular or postal card upon which shall be stated the date of filing the report, the name or other general designation of the drainage work, its estimated cost, the owner's land and its assessment, distinguishing benefit, outlet liability and injuring liability, and the date of the council meeting at which the report will be read and considered, which shall not be less than ten days after the mailing of the last of such circulars or postal cards, and the determination of the council as to the sufficiency of notice or otherwise shall be final and conclusive. R.S.O. 1927, c. 241, s. 16.

## CONSIDERATION OF REPORT.

Proceed-  
ings at  
meeting for  
considera-  
tion of  
report.

**17.** The municipal council shall at the meeting mentioned in such notice, immediately after dealing with the minutes of its previous meeting, cause the report to be read by the clerk to all the ratepayers in attendance, and shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing the same and filing it with the clerk, and shall also give those present who have not signed the petition an opportunity so to do, and should any of the roads of the municipality be assessed, the council may by resolution authorize the head or acting head of the municipality to sign the petition for the municipality, and such signature shall count as that of one person benefited in favour of the petition. R.S.O. 1927, c. 241, s. 17.

Referring  
report back  
to engineer.

**18.** The council at any time before the final passing of the by-law, if it appears that there are or may be errors in the report or assessment of the engineer or that for any other reason the report or assessment should be reconsidered, may refer the report back to him for re-consideration, and the engineer may thereupon re-consider his report and assessment and shall report to the council, and the report shall have the same effect and shall be dealt with in the same manner and the proceedings thereon shall be the same as upon the original report or assessment, and it shall not be necessary that the engineer shall make any further oath or declaration. R.S.O. 1927, c. 241, s. 18.

## EFFECT OF WITHDRAWAL FROM PETITION.

Withdraw-  
ing from  
petition.

**19.** Should the petition at the close of such meeting of the council contain the names of the majority of the persons shown



as aforesaid to be owners benefited within the area described in such petition, the council may proceed to adopt the report and pass a by-law authorizing the work, and no person having signed the petition shall, after the adoption of the report, be permitted to withdraw; but if after striking out the names of the persons withdrawing, the names remaining, including the names, if any, added as provided by section 17, do not represent a sufficient number of owners within the area described to comply with the provisions of section 2, then the persons who have withdrawn from the petition shall on their respective assessments in the report, with one hundred per centum added thereto, together with the other original petitioners on their respective assessments in the report, be, *pro rata*, chargeable with and liable to the municipality for the expenses incurred by the municipality in connection with such petition and report, and the sum with which each of such owners is chargeable shall be entered upon the collector's roll for such municipality against the lands of the person liable, and shall be collected in the same manner as taxes placed on the roll for collection. R.S.O. 1927, c. 241, s. 19.

**20.** A by-law heretofore or hereafter passed shall not be deemed invalid or illegal by reason only that the petition therefor was not sufficiently signed if such petition was duly signed by a majority in number of the resident and non-resident persons, exclusive of farmers' sons not actual owners, shown by the last revised assessment roll to be the owners of the lands to be benefited in the area described in such petition. R.S.O. 1927, c. 241, s. 20. Certain by-laws confirmed.

#### BY-LAWS.

**21.** Should the council of the municipality in which the lands and roads described in the petition lie be of the opinion that the drainage work proposed in the petition, or a portion thereof, would be desirable, the council may pass a by-law or by-laws,— What by-laws may be passed by council.

#### *Doing Work and Borrowing Money.*

1. For providing for the construction of the proposed drainage work or a portion thereof, as the case may be. Providing for work.

2. For borrowing on the credit of the municipality the funds necessary for the work, or the portion to be contributed by the initiating municipality when the same is to be constructed at the expense of two or more municipalities, and Borrowing funds.

for issuing the debentures of the municipality to the requisite amount, including the cost of appeal, if any, in sums of not less than \$50 each, and payable within twenty years from date, except in case of pumping and embanking drainage work, the debentures for which shall be payable within thirty years from their date, with interest at a rate of not less than four per centum per annum.

### *Assessing Lands and Roads.*

Assessing  
lands and  
roads.

3. For assessing and levying, in the same manner as taxes are levied, upon the lands and roads, including roads held by joint stock companies, railway companies, private individuals, counties or county councils, to be benefited by the work and otherwise liable for assessment under this Act in the municipality passing the by-law, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing, levying and collecting the same as other taxes are assessed, levied and collected, in proportion as nearly as may be, to their respective liability to contribute.

Fixing time  
for paying  
assessment.

4. For regulating the times and manner in which the assessments shall be paid.

### *Determining Assessment Liability.*

Determin-  
ing property  
to be bene-  
fited.

5. For determining what lands and roads will be benefited by or otherwise rendered liable for assessment for the drainage work, and the proportion in which the assessment should be made, subject in every case of complaint by the owner or any person interested in any lands or roads to appeal as hereinafter provided. R.S.O. 1927, c. 241, s. 21.

### FORM OF BY-LAW.

Form of  
by-law.

**22.** The by-law shall, varying with the circumstances, be according to Form 2 or to the like effect. R.S.O. 1927, c. 241, s. 22.

### PUBLICATION OF BY-LAW.

Publication  
of by-law  
and notice  
of sitting of  
court of  
revision.

**23.**—(1) Before the final passing of the by-law, it shall be published once in every week for four consecutive weeks in a newspaper published in the municipality or in the county town, or in an adjoining or neighbouring municipality, and designated by resolution of the council, with a notice of the time and place of holding the court of revision, and also a

notice that any one intending to apply to have the by-law or any part thereof quashed, must, not later than ten days after the final passing thereof, serve a notice in writing upon the reeve or other head officer and the clerk of the municipality, of his intention to make application for that purpose to the referee during the six weeks next after the final passing of the by-law.

(2) The clerk shall furnish the publisher of the newspaper with the names and post office addresses of all persons within the municipality whose lands are assessed for the drainage work, and the publisher shall mail or cause to be mailed to each owner, to such post office address, the first two issues of the newspaper containing the by-law, and the publisher or person mailing such newspapers shall make a statutory declaration of such mailing and file the same with the clerk of the municipality publishing the by-law. R.S.O. 1927, c. 241, s. 23.

Newspapers  
to be sent to  
each person  
assessed.

**24.** The council may, at its option, instead of publishing in a newspaper, by resolution direct that a copy of the by-law, including the notice of the sitting of the court of revision, and notice as to proceedings to quash, written or printed, or partly written and partly printed, be served upon each of the assessed owners, or their lessees or the occupant of their lands, or the agent of such owner, or be left on the lands, if occupied, with some grown-up person, and if the lands are unoccupied and the owner or his agent does not reside within the municipality, the council may cause a copy of the by-law and notices to be sent by registered letter to the last known address of such owner, and a statutory declaration shall be made by the person effecting any service or mailing any such registered letter, showing the manner and date of effecting the service or mailing the registered letter, and such declaration shall be filed by the person making the same, with the clerk of the municipality passing the by-law. R.S.O. 1927, c. 241, s. 24.

Service in  
lieu of pub-  
lication.

**25.** In case no notice of the intention to make application to quash a by-law is served within the time limited for that purpose in the notice attached to the by-law, or where the notice is served, then if the application is not made or is unsuccessful in whole or in part, the by-law, or so much thereof as is not quashed, so far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct, shall, notwithstanding any want of form or substance either in the by-law itself or in the time or manner of passing the same, be a valid by-law. R.S.O. 1927, c. 241, s. 25.

If by-law  
not quashed  
within time  
limited.

Debentures for separate drainage works may be consolidated.

**26.**—(1) Where two or more works have been undertaken and the by-laws provided for by section 21 or section 88 have been passed, instead of borrowing the separate sums thereby authorized to be borrowed and issuing debentures therefor, the council by a consolidating by-law, may provide for borrowing the aggregate of such separate sums and for issuing one series of debentures therefor.

Particulars of by-law.

(2) A consolidating by-law shall show by recitals or otherwise in respect to which separate by-laws it is passed.

By-law need not provide rate for payment.

(3) It shall not be necessary that a consolidating by-law shall impose any rate to provide for the payment of the debentures issued under it or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose.

Application of ss. 22 to 25.

(4) The provisions of sections 22 to 25 shall not apply to a consolidating by-law passed under this section. 1931, c. 56, s. 4.

#### COURT OF REVISION.

##### *Constitution and Powers.*

Where council has not more than five members.

**27.** If the council of the municipality consists of not more than five members, such five members shall be a court for the revision of the assessments for the drainage work. R.S.O. 1927, c. 241, s. 26.

Where council has more than five members.

**28.** If the council consists of more than five members, it shall appoint five of its members to constitute the court of revision. R.S.O. 1927, c. 241, s. 27.

Oath.

**29.** Every member of the court of revision shall, before entering upon his duties, take and subscribe before the clerk of the municipality the following oath, or affirmation in cases where by law affirmation is allowed:

I, \_\_\_\_\_, do solemnly swear (or affirm), that I will to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals to the Court of Revision from the assessments appearing in a by-law (*here set out title of by-law*), which may be brought before me for trial as a member of such Court.

R.S.O. 1927, c. 241, s. 28.

Quorum.

**30.**—(1) Three members of the court of revision shall constitute a quorum, and the majority of a quorum may decide all questions before the court.

Members not to act when interested.

(2) No member of the court shall act as a member thereof while any appeal is being heard respecting any lands in which he is directly or indirectly interested, save and except roads and lands under the jurisdiction of the municipal council. R.S.O. 1927, c. 241, s. 29.



**31.**—(1) The clerk of the municipality shall be the clerk of the court, and shall record the proceedings thereof and shall issue summonses to witnesses to attend any sittings of the court. Clerk of court.

(2) The summons to any witness issued by the clerk under this section may be in the following form: Form of summons.

You are hereby required to attend and give evidence before the Court of Revision at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, in the matter of the drainage work (*naming or describing work*) and of the following appeal.

Appellant (*name of*).

A. B.  
Clerk of the Township of \_\_\_\_\_

(3) The fees payable to any witness on an appeal to the court of revision shall be according to the scale of witness fees in the division court. R.S.O. 1927, c. 241, s. 30. Witness fees.

**32.** At the time appointed, the court shall meet and try all complaints in regard to owners wrongly assessed or omitted from assessment or assessed at too high or too low an amount, and the court may adjourn from time to time as required. R.S.O. 1927, c. 241, s. 31. Meeting and adjournments.

**33.** The evidence of witnesses shall be taken on oath and any member of the court may administer an oath to any party or witness. R.S.O. 1927, c. 241, s. 32. Evidence.

**34.** If any person summoned to attend the court of revision as a witness fails, without good and sufficient reason, to attend, having been tendered the proper witness fees, he shall incur a penalty of \$20 to be recovered with costs, by and to the use of any person suing for the same, either by suit in the proper division court, or in any way in which penalties incurred under any by-law of the municipality may be recovered. R.S.O. 1927, c. 241, s. 33. Witness failing to attend when summoned.

### *Procedure for Trial of Complaints.*

**35.** Any owner of land, or, where roads in the municipality are assessed, any ratepayer, complaining of overcharge in the assessment of his own land, or of any roads of the municipality, or of the undercharge of any other lands, or of any road in the municipality, or that lands or roads which should have been assessed, have been omitted from the assessment, may personally, or by his agent, give notice in writing to the clerk of the municipality, that he considers himself aggrieved for any or all the causes aforesaid. R.S.O. 1927, c. 241, s. 34. Who may appeal.

Time for  
holding  
court of  
revision.

Adjourn-  
ments and  
notices of  
appeal.

**36.** The trial of complaints shall be had in the first instance by and before the court of revision of the municipality in which the lands and roads assessed are situate, and the first sitting of such court shall be held pursuant to notice on some day not earlier than twenty nor later than thirty days from the day on which the by-law was first published, or from the date of completing the services or mailing of a printed copy of the by-law, as the case may be, and notice of the first sitting of the court shall be published or served with the by-law, but the court may adjourn from time to time as occasion may require, and all notices of appeal shall be served on the clerk of the municipality at least ten days prior to the first sitting of the court; but the court may, though notice of appeal has not been given, by resolution passed at its first sitting, allow an appeal to be heard on such conditions as to giving notice to all persons interested or otherwise as may be just. R.S.O. 1927, c. 241, s. 35.

Form of  
notice of  
complaint.

**37.** If any complaint is made on the ground that any lands or roads have been assessed too low or wrongly omitted from assessment by the engineer or surveyor, the clerk shall give notice of the complaint and the time of the trial to the owner or person interested in such lands, or in the case of roads to the reeve or other head of the municipality; which notice shall be in the form following or to the like effect:

Take notice that you are required to attend before the Court of Revision at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the matter of the following appeal:—

Appellant (*name of*).

Subject—That you are assessed too low (*or as the case may be*) for drainage work (*naming the drainage work*).

To J. K.

(Signed.)

X. V.,  
Clerk.

R.S.O. 1927, c. 241, s. 36.

Serving  
notice.

**38.** The notice in section 37 mentioned shall be sent by letter addressed to such person at his post office address or at his last known address, at least seven days before the first sitting of the court. R.S.O. 1927, c. 241, s. 37.

Entry of  
appeals.

**39.** The clerk of the court shall enter the appeals on a list in the order in which they are received by him, and the court shall proceed with the appeals in the order, as nearly as may be, in which they are so entered, but may grant an adjournment or postponement of any appeal. R.S.O. 1927, c. 241, s. 38.

40. Such list may be in the following form:—

Form of list  
of appeals.

Appeals from the assessment of the engineer on  
drainage work, to be heard at the Court of Revision to be held at  
day of , commencing at 10 o'clock in the forenoon on the  
19 .

Appellant.	Omitted or wrongly assessed.	Matter complained of.
A. B.....	Self.....	Overcharge for benefit.
C. D.....	Self.....	Overcharge for outlet.
E. F.....	Self.....	Overcharge for injuring.
G. H.....	J. R.....	Undercharge for benefit.
L. M.....	N. O.....	Undercharge for outlet.
P. Q.....	R. S.....	Undercharge for injuring.
T. U.....	V. W.....	Wrongly omitted.
X. Y.....	Self.....	Wrongly assessed.
etc.	etc.	etc.

R.S.O. 1927, c. 241, s. 39.

41. In case any lands or roads have been assessed for the  
construction or repair of a drainage work, and the same pro-  
perty is afterwards assessed by the engineer or surveyor for  
the construction or repair of any other drainage work, the  
court of revision or judge may take into consideration any  
prior assessment for drainage work on the same property and  
give such effect thereto as may be just. R.S.O. 1927, c. 241,  
s. 40.

Court of re-  
vision may  
take into  
considera-  
tion prior  
assess-  
ments.

42. When the ground of complaint is, that lands or roads  
are assessed too high, and the evidence adduced satisfies the  
court of revision or judge that the assessments on such lands  
or roads should be reduced, but no evidence is given of other  
lands or roads assessed too low or omitted, the court or judge  
shall adjourn the hearing of such appeal, for a time sufficient  
to enable the clerk to notify by postal card or letter all per-  
sons affected of the date to which such hearing is adjourned,  
and the clerk shall so notify all persons interested, and unless  
they appear and show cause against the reduction of the assess-  
ment appealed against or the increase of their own, the court or  
judge may dispose of the matter of appeal in such manner as  
may be just, and the sum by which the assessment appealed  
against is reduced, if any, may be distributed *pro rata* over  
the assessments of its own class or otherwise so as to do justice  
to all parties. R.S.O. 1927, c. 241, s. 41.

Adjourn-  
ment of  
court to  
notify per-  
sons affected  
by altera-  
tion of  
assessment.

Adjustment.

43. The clerk shall by registered letter immediately after  
the close of the court, notify all appellants of the result of  
their appeals and also of the date of the closing of the court  
of revision. R.S.O. 1927, c. 241, s. 42.

Notice of  
result of  
appeal.

*Appeals from Court of Revision.*

Appeal to  
county  
judge.

**44.** An appeal from the court of revision shall lie to the judge, not only against a decision of the court of revision, but also against the omission, neglect or refusal of the court to hear or decide an appeal. R.S.O. 1927, c. 241, s. 43.

Time for  
giving notice  
of appeal.

**45.** The person appealing shall, in person or by solicitor or agent, file with the clerk of the municipality within ten days after the date of the closing of the court of revision, a written notice of his intention to appeal to the judge. R.S.O. 1927, c. 241, s. 44.

Clerk to  
notify judge  
and judge to  
fix time and  
place for  
hearing  
appeals.

**46.** The clerk shall immediately after the time limited for filing appeals, forward a list of the same to the judge, who shall then notify the clerk of the day he appoints for the hearing thereof and shall fix the place for holding such hearing at the town hall or other place of meeting of the council of the municipality from the court of revision of which the appeal is made, unless the judge for the greater convenience of the parties and to save expense fixes some other place for the hearing. R.S.O. 1927, c. 241, s. 45.

Notice to  
persons  
appealed  
against.

**47.** The clerk shall thereupon give notice to all parties appealed against, in the same manner as is provided for giving notice on a complaint to the court of revision, but in the event of failure by the clerk to give the required notice, or to have the same given within proper time, the judge may direct notice to be given for some subsequent day upon which he may try the appeals. R.S.O. 1927, c. 241, s. 46.

Time for  
giving  
judgment.

**48.** At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time, but shall deliver judgment not later than thirty days after the hearing. R.S.O. 1927, c. 241, s. 47.

Clerk of  
court.

**49.—(1)** The clerk of the municipality shall be the clerk of such court, and shall record the proceedings thereof and shall have the like powers as the clerk of a division court as to the issuing of subpoenas to witnesses upon the application of any party to the proceedings or upon an order of the judge, for the attendance of any person as a witness before him.

Witness  
fees.

**(2)** The fees to be allowed to witnesses upon an appeal to the judge under this Act shall be those allowed to witnesses in an action in the division court. R.S.O. 1927, c. 241, s. 48.

Powers of  
judge on  
appeal.

**50.** In all proceedings before the judge as aforesaid, he shall possess all such powers for compelling the attendance of



and for the examination on oath of all parties, and all other persons whomsoever, and for the production of books, papers and documents, and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by him in the division court or county court. R.S.O. 1927, c. 241, s. 49.

*Fees and Costs of Appeals.*

**51.** The costs of any proceeding before the court of revision, or before the judge as aforesaid, shall be paid or apportioned between the parties in such manner as the court or judge thinks fit, and the same shall be enforced when ordered by the court of revision by a distress warrant under the hand of the clerk and the corporate seal of the municipality, and when ordered by the judge, by execution to be issued as the judge may direct, either from the county court or any division court within the county in which the municipality is situate. R.S.O. 1927, c. 241, s. 50.

**52.** The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attendance and none other, and the same shall be taxed according to the allowance in the division court for such costs, and in cases where execution issues, the costs thereof as in the like court, and of enforcing the same, may also be collected thereunder. R.S.O. 1927, c. 241, s. 51.

**53.** The judge shall be entitled to receive from the municipality as his expenses for holding court in any place in the municipality, other than the county town, for the hearing of appeals from the court of revision, \$5 per day and disbursements necessarily incurred. R.S.O. 1927, c. 241, s. 52.

**54.** The decision of the judge shall be final and conclusive. R.S.O. 1927, c. 241, s. 53.

**55.** Any change in the assessment of the engineer or surveyor made by the court of revision or by the judge in appeal therefrom shall be given effect to by the clerk of the municipality altering the assessments and other parts of the schedule to comply therewith, and the by-law shall, before the final passing thereof, be amended to carry out any changes so made by the court of revision or judge. R.S.O. 1927, c. 241, s. 54.

ISSUE OF DEBENTURES.

**56.** Any municipal council issuing debentures under this Act may include the interest on the debentures in the amount payable, in lieu of the interest being payable annually in respect

Apportionment of costs—enforcing payment.

What costs may be awarded,—taxation of.

Fees and expenses of judge.

Decision to be final.

Clerk to alter assessments conformably with result of appeals.

Debentures may include principal and interest in one sum.

of each debenture, and any by-law authorizing the issue of debentures for a certain amount and interest, shall be taken to authorize the issue of debentures in accordance with this section, to the same amount with interest added. R.S.O. 1927, c. 241, s. 55.

Payment of assessment before debentures issued.

**57.** Any owner of lands or roads, including the municipality, assessed for the work, may pay the amount of the assessment against him or them, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionately reduced. R.S.O. 1927, c. 241, s. 56.

Informalities not to invalidate debentures.

**58.** No debentures issued under any by-law for the construction or maintenance of any drainage work shall be held to be invalid on account of the same not being expressed in strict accordance with such by-law, provided that the debentures are for sums in the aggregate not exceeding the amount authorized by the by-law. R.S.O. 1927, c. 241, s. 57.

When debentures to be valid and binding to extent of amount advanced.

**59.** Any debentures issued and sold to provide any sum of money for the construction or repair of any drainage work shall be good in the hands of the purchaser, and be binding upon the corporation issuing them, to the extent of the money actually advanced on the security and interest thereon, according to the provisions of the same, provided no application to quash be made within six weeks from the final passing of the by-law authorizing the issue thereof, notwithstanding that the by-law is afterwards quashed or declared illegal in any proceedings. R.S.O. 1927, c. 241, s. 58.

#### WORK NOT CONTINUED INTO ANOTHER MUNICIPALITY.

Assessment of lands which are benefited.

**60.—(1)** Where any drainage work is not continued into any other than the initiating municipality, any lands or roads in the initiating municipality or in any other municipality, or roads between two or more municipalities, which will, in the opinion of the engineer or surveyor, be benefited by such work or furnished with an improved outlet or relieved from liability for causing water to flow upon and injure lands or roads, may be assessed for such proportion of the cost of the work as to the engineer or surveyor seems just.

When work not deemed out of initiating municipality.

**(2)** A drainage work shall not be deemed to be continued into a municipality other than the initiating municipality merely by reason of such drainage work or some part thereof being constructed on a road allowance forming the boundary

line between two or more municipalities. R.S.O. 1927, c. 241, s. 59.

**61.** Where it is necessary to construct a drainage work for the drainage of an area composed of lands or roads lying on either side of a boundary line between two municipalities, the council of either municipality may proceed upon a petition of the majority of the owners of lands or roads within such area in all respects as if such area were entirely within the limits of such municipality. R.S.O. 1927, c. 241, s. 60.

Where area lies on either side of boundary road.

**62.** Where it is necessary to construct any drainage work or any part thereof on a road allowance used as a boundary line between two or more municipalities, the municipal council of each of the adjoining municipalities may, on the petition of the majority of owners in the area therein described and within its own limits, authorize the same to be constructed on the allowance for road between the municipalities, and may make the road as provided by section 10, and the engineer or surveyor may assess and charge the lands and roads benefited or otherwise liable to assessment in the adjoining municipality or municipalities, as well as the road allowance, with such proportion of the cost of constructing such work as he may deem just. R.S.O. 1927, c. 241, s. 61.

Construction of drainage work on road allowance.

#### WORK CONTINUED INTO ANOTHER MUNICIPALITY.

**63.** Where it is required to continue any drainage work beyond the limits of the municipality, the engineer or surveyor employed by the council of such municipality may continue the work on or along or across any allowance for road or other boundary between any two or more municipalities, and from any such road allowance or other boundary into or through any municipality until he reaches a sufficient outlet, and in every such case he may assess and charge regardless of municipal boundaries, all lands and roads to be affected by benefit, outlet or relief, with such proportion of the cost of the work as to him may seem just, and in his report thereon he shall estimate separately the cost of the work within each municipality and upon the road allowances or other boundaries. R.S.O. 1927, c. 241, s. 62.

Continuing work beyond the limits of municipality.

**64.** Wherever any lands or roads in or under the jurisdiction of any adjoining or neighbouring municipality, other than the municipalities into or through which the drainage work passes, are, in the opinion of the engineer or surveyor of the initiating or other municipality doing the work or part thereof,

Assessing land in neighbouring municipality when work does not enter same.

benefited by the drainage work or provided with an improved outlet or relieved from liability for causing water to flow upon and injure lands or roads, he may assess and charge the same as is provided in section 63. R.S.O. 1927, c. 241, s. 63.

SETTLING ASSESSMENTS, ETC., BETWEEN MUNICIPALITIES.

Council of  
initiating  
municipality to  
notify other  
municipalities to  
be affected.

**65.** The council of any initiating municipality shall serve the head of the municipality or municipalities into or through which the work is to be continued, or whose lands or roads are assessed without the drainage work being continued into it, with a copy of the report, plans, specifications, assessments and estimates of the engineer or surveyor on the proposed work, and unless the same are appealed from as hereinafter provided, they shall be binding on each and every corporation whose council is so served, and the council of the initiating municipality shall be entitled, in the event of no appeal, to proceed with the by-law, and authorize and construct or procure the construction of the whole drainage work in accordance therewith. R.S.O. 1927, c. 241, s. 64.

Municipality notified to raise and pay over its proportion of cost.

**66.** The council of the municipality so served, shall in the same manner as nearly as may be, and with such other provisions as would have been proper if a majority of the owners of the lands to be taxed had petitioned as provided in section 2, pass a by-law or by-laws to raise, and shall raise and pay over to the treasurer of the initiating municipality within four months from such service, the sum that may be named in the report as its proportion of the cost of the drainage work, or, in the event of an appeal from the report, the sum that may be determined by the referee or the Court of Appeal, and such council shall hold the court of revision for the adjustment of assessments upon its own ratepayers in the manner hereinbefore provided. R.S.O. 1927, c. 241, s. 65.

Appeal to referee from report of engineer.

**67.**—(1) The council of any municipality served as provided by section 65 may, within six weeks after such service upon its head, appeal to the referee from the report, plans, specifications, assessments and estimates of the engineer or surveyor, by serving the head of the council from which they received the copy, and also the head of the council of any other municipality assessed by the engineer or surveyor with a written notice of appeal, setting forth therein the reasons for such appeal.

Grounds of appeal.

(2) The reasons of appeal which shall be set out in such notice may be the following or any of them:—



(a) where the assessment against the appealing municipality exceeds \$1,000, or exceeds the estimated cost of the work in the initiating municipality,—

(i) that the scheme of the drainage work as it affects the appealing municipality should be abandoned or modified, on grounds to be stated;

(ii) that such scheme does not provide for a sufficient outlet;

(iii) that the course of the drainage work, or any part thereof, should be altered;

(iv) that the drainage work should be carried to an outlet in the initiating municipality or elsewhere;

(b) in any case not otherwise provided for,—

(i) that a petition has been received by the council of the appealing municipality, as provided by section 2, from the majority of the owners within the area described in the petition, praying for the enlargement by the appealing municipality of any part of the drainage work lying within its limits, and thence to an outlet, and that the council is of opinion that such enlargement is desirable to afford drainage facilities for the area described in the petition;

(ii) that such appealing municipality objects to paying over its proportion of the cost of the work to the treasurer of the initiating municipality;

(iii) that the initiating municipality should not be permitted to do the work within the limits of the appealing municipality;

(iv) that the assessment against lands and roads within the limits of the appealing municipality and roads under its jurisdiction is illegal, unjust or excessive. R.S.O. 1927, c. 241, s. 66.

**68.**—(1) Upon an appeal under section 67 the referee shall hear and adjudicate upon all questions raised by the notice of appeal, as they may affect any municipality assessed for the drainage work, and he may give to any municipality through or into which the proposed work will be continued, leave to enlarge the same, pursuant to petition in that behalf and according to the report, plans, specifications, assessments and estimates of an engineer appointed by the referee for that purpose, and may make such order in the premises and as to costs already incurred, and as to costs of the appeal as may seem just.

Powers of  
referee on  
appeal.

Appeal to  
Court of  
Appeal.

(2) The order of the referee upon such appeal shall be subject to appeal to the Court of Appeal as in other cases, and the decision of such Court shall be final and conclusive as to all corporations affected thereby.

Abandon-  
ment of  
work by  
initiating  
municipi-  
pality.

(3) The council of the initiating municipality may, by resolution passed within thirty days after the decision of the referee on the appeal to him or in case of an appeal therefrom after the hearing and determination thereof, abandon the proposed drainage work, subject to such terms as to costs and otherwise as to the referee or the Court of Appeal may seem just. R.S.O. 1927, c. 241, s. 67.

#### AMENDING BY-LAWS.

Amendment  
of by-law  
when insuffi-  
cient funds  
provided.

**69.**—(1) Any by-law heretofore passed or which may be hereafter passed by the council of any municipality for the assessment upon the lands and roads liable to contribute for any drainage work and which has been acted upon by the doing of the work in whole or in part, but does not provide sufficient funds to complete the drainage work or the municipality's share of the cost thereof, or does not provide sufficient funds for the redemption of the debentures authorized to be issued thereunder as they become payable, may from time to time be amended by the council, and further debentures may be issued under the amending by-law in order to fully carry out the intention of the original by-law.

When lands  
and roads in  
another munici-  
pality  
assessable.

(2) Where in any such case lands and roads in another municipality are assessed for the drainage work, the council of the initiating municipality shall procure an engineer or surveyor to make an examination of the work and to report upon it with an estimate of the cost of completion for which sufficient funds have not been provided under the original by-law, and shall serve the heads of the other municipalities as in the case of the original report, plans, specifications, assessments and estimates, and the council of any municipality so served shall have the same right of appeal to the referee as to the improper expenditure or illegal or other application of the drainage money already raised and shall be subject to the same duty as to raising and paying over its share of the money to be raised, as, in the case of the original by-law, is provided by sections 66 and 67.

Amendment  
of by-law  
which pro-  
vides more  
than suffi-  
cient funds  
and distri-  
bution of  
surplus.

(3) Any by-law for the assessment upon the lands and roads liable to contribute for any drainage work and acted upon by the completion of the work, which provides more than sufficient funds for the completion of or proper contribution towards the work or for the redemption of the debentures authorized to be issued thereunder as they become payable shall be

amended, and if lands and roads in any other municipality are assessed for the drainage work the surplus money shall be divided *pro rata* among the contributing municipalities, and every such surplus until wholly paid out shall be applied by the council of the municipality *pro rata* according to the assessment in payment of the rates imposed by it for the work in each and every year after the completion of the work, and in case such assessment upon any land has been commuted or anticipated by payment in full, then payment shall be made to the owner of such lands as shown by the last revised roll of the municipality in all respects as if such assessment had not been so commuted or anticipated.

(4) Any by-law passed prior to the 1st day of June, 1894, by the council of any county or union of counties for the assessment of the cost of any drainage work upon the lands and roads liable to contribute therefor which has been acted upon by the doing of the work in whole or in part and which does not provide sufficient funds to complete the drainage work, or the share of the said county or union of counties of the cost thereof, or does not provide sufficient funds for the redemption of the debentures issued under such by-law, as they become payable, may from time to time be amended by the council and further debentures may be issued under the amending by-law in order to fully carry out the intention of the original by-law; provided that every such drainage work shall, when fully completed, be maintained as provided in section 73. R.S.O. 1927, c. 241, s. 68.

Amendment of by-law not providing sufficient funds.  
Issuing debentures for completion of county drainage works commenced before passing of 57 V. c. 56.

**70.** It shall be in the discretion of the council whether an amending by-law passed under any of the provisions of section 69 shall be published or not, and the provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of that section, which have heretofore been or may hereafter be purchased by direction of the Lieutenant-Governor in Council. R.S.O. 1927, c. 241, s. 69.

Publication of amending by-laws.  
Rev. Stat., c. 71.

#### MAINTENANCE OF DRAINAGE WORK.

**71.** Any drainage work constructed under a by-law of any municipality passed in pursuance of this or any former Act relating to the construction of drainage work by local assessment, and which is not continued into any other municipality, shall after the completion thereof be maintained by the initiating municipality,—

Maintenance of work not continued into another municipality.

(a) if no lands or roads in any other municipality are assessed for the construction thereof, then at the expense of the lands and roads in the initiating municipality

pality in any way assessed for such construction, according to the assessment of the engineer or surveyor in his report and assessment for the original construction of such drainage work; or

- (b) if lands or roads in any other municipality or roads between two or more municipalities are in any way assessed for the construction of such drainage work, then at the expense of all the lands and roads in any way assessed for such construction in the municipalities affected, and in the proportion determined by such report and assessment, or in appeal therefrom by the award of arbitrators or order of the referee;

unless or until such assessment or proportion as the case may be, is varied or otherwise determined from time to time by the report and assessment of an engineer or surveyor for the the maintenance of the drainage work, or in appeal therefrom by the order of the referee. R.S.O. 1927, c. 241, s. 70.

Mainten-  
ance of  
drainage  
work pass-  
ing into  
another  
municipal-  
ity.

**72.** Any drainage work heretofore constructed under a by-law of a municipality, passed in pursuance of any Act relating to the construction of any drainage work by local assessment, or hereafter constructed under the provisions of this Act, which is continued into or through more than one municipality, or which is commenced by the initiating municipality on a road allowance adjoining such municipality and is continued thence into the lands of any other municipality shall after the completion thereof be maintained by the initiating municipality from the point of commencement of the drainage work in the municipality or upon such road allowance to the point at which the drainage work crosses the boundary line between any road allowance and lands in another municipality, and by such last mentioned municipality and by every other municipality through or into which the drainage work is continued from the point at which the drainage work crosses the boundary line between a road allowance and lands in the municipality to an outlet in the municipality or on a road allowance adjoining the municipality, or to the point at which the drainage work crosses the boundary line between any road allowance and lands in another municipality, as the case may be, at the expense of the lands and roads in any way assessed for the construction thereof and in the proportion determined by the engineer or surveyor in his report and assessment for the original construction or in appeal therefrom by the award of the arbitrators or order of the referee, unless and until, in the case of each municipality, such provision for maintenance is varied or otherwise determined by an engineer or surveyor in his report and assessment



for the maintenance of the drainage work in appeal therefrom by the order of the referee. R.S.O. 1927, c. 241, s. 71.

**73.**—(1) Where a drainage work constructed before the 5th day of May, 1894, under the provisions of *The Ontario Drainage Act*, being chapter 36 of the Revised Statutes of Ontario, 1887, or any Act in amendment thereof or under a by-law passed by a county council does not extend beyond the limits of one municipality, such drainage work shall be maintained and kept in repair by such municipality at the expense of the lands and roads in any way liable to assessment under the provisions of this Act.

Maintenance of drains constructed by government or under county by-laws.

(2) Any drainage work constructed before the 5th day of May, 1894, under *The Ontario Drainage Act* of 1887, or any Act in amendment thereof or under a by-law passed by a county council, which continues from the municipality in which the drainage work commences into or through one or more other municipalities, shall be maintained and kept in repair by the municipality in which the drainage work commences, from the point of commencement to the point at which the drainage work crosses the boundary line between any road allowance and lands in another municipality, or to the outlet on such road allowance as the case may be, and by every other municipality through or into which the drainage work is continued, from the point at which the same crosses the boundary line between any road allowance and lands in the municipality and enters upon such lands to an outlet in the municipality, or on a road allowance adjoining the municipality, or to the point at which the drainage work crosses the boundary line between any road allowance and lands in an adjoining municipality, as the case may be, at the expense of the lands and roads in any way assessed for the construction thereof, and in the proportion determined by the assessors or engineer or surveyor in their assessment roll or report as the case may be, for construction, or in appeal therefrom by the award of arbitrators or order of the referee, unless and until in the case of each municipality such provision for maintenance is varied or otherwise determined by an engineer or surveyor in his report and assessment for the maintenance of the drainage work or in appeal therefrom by the order of the referee.

When such drains extend into another municipality.

(3) A drainage work which commences on a road allowance between two municipalities shall, for the purposes of this section, be deemed to commence in the municipality next adjoining that half of the road allowance upon which the drainage work is begun. R.S.O. 1927, c. 241, s. 72.

Where work deemed to commence.

Service of  
by-law on  
municipality liable  
for contribution.

**74.**—(1) The council of any municipality undertaking the repair of any drainage work under sections 71, 72 or 73, shall, before commencing the repairs serve upon the head of any municipality liable to contribute any portion of the cost of such repairs under the provisions of this Act, a certified copy of the by-law for undertaking the repairs, as the same is provisionally adopted, which by-law shall recite the description, extent and estimated cost of the work to be done and the amount to be contributed therefor by each municipality affected by the drainage work, and the council of any municipality so served may, within thirty days thereafter, appeal from such by-law to the referee on the ground that the amount assessed against the lands and roads in such municipality is excessive or that the work provided for in the by-law is unnecessary, or that such drainage work has never been completed through the default or neglect of the municipality whose duty it was to do the work, in the manner provided in the case of the construction of the drainage work, and the referee on such appeal may alter, amend or confirm such by-law, or may direct that the same shall not be passed as to him may seem just, and his order upon such appeal shall be subject to appeal to the Court of Appeal, and the decision of that Court shall be final and conclusive as to all corporations affected thereby.

Appeal.

Council  
served to  
furnish  
amount  
required.

(2) The council of every municipality served with the provisional by-law shall, within four months after such service, pass a by-law to raise, and shall, within that period raise and pay over to the treasurer of the initiating municipality the amount assessed against lands and roads in the municipality, as stated in the provisional by-law or as settled on appeal therefrom by the order of the referee. R.S.O. 1927, c. 241, s. 73.

Varying  
original  
assessments  
for maintenance.

**75.**—(1) The council of any municipality, liable for contribution to a drainage work in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the original assessment in respect of the drainage work, may apply to the referee upon an application, of which notice has been given to the head of every other municipality interested, for permission to procure the report of an engineer or surveyor varying such original assessment, and in the event of such permission being given such council may procure the report of an engineer or surveyor as aforesaid, and pass a by-law adopting the same, but in case all the lands and roads assessed or intended to be assessed lie within the limits of one municipality, the council of such municipality may procure and adopt such report without such permission; but no report providing for the variation of an original assess-

ment shall be valid unless the engineer or surveyor shall have been instructed by a resolution of the council to make such variation before he enters upon his duties in respect thereof.

(2) The proceedings upon such report and assessment shall be the same, as nearly as may be, as upon the report for the construction of the drainage work. Proceedings on report of engineer.

(3) Any council served with a copy of such report and assessment may appeal to the referee from the finding of the engineer as to the portion of the cost of the work for which the municipality is liable, and the proceedings on such appeal shall be the same as in other cases of appeals to the referee under this Act. Appeal from report of engineer.

(4) Any owner of lands and any ratepayer in the municipality as to roads assessed for such repairs may appeal from such assessment in the manner provided in the case of the construction of the drainage work, and the council of every municipality affected by the report of the engineer or surveyor made under this section shall appoint a court of revision for the trial of any appeals in the manner hereinbefore provided. Appeal to court of revision.

(5) Such assessment as so varied shall thereafter, unless or until it is further varied, form the basis of any assessment for maintenance of the drainage work affected thereby. R.S.O. 1927, c. 241, s. 74. Basis of future assessments.

#### REPAIRING WITHOUT REPORT.

**76.** The council of any municipality, whose duty it is to maintain any drainage work for which only lands and roads within or under the jurisdiction of such municipality are assessed, may, after the completion of the drainage work, without the report of an engineer or surveyor upon a *pro rata* assessment on the lands and roads as last assessed for the construction or repair of the drainage work, make improvements thereto by deepening, widening or extending the same to an outlet, provided the cost of such deepening, widening and extending is not above one-fifth of the cost of the construction, and does not exceed in any case \$800, and in every case where the cost of the improvements exceeds such proportion or amount, the proceedings to be taken shall be as provided in section 77. R.S.O. 1927, c. 241, s. 75. Deepening, widening or extending without report of engineer.

#### REPAIRING UPON REPORT.

**77.**—(1) Wherever, for the better maintenance of any drainage work constructed under the provisions of this Act or any Act respecting drainage by local assessment, or to pre- Repairing upon examination and report by engineer.

vent damage to any lands or roads it is deemed expedient to change the course of such drainage work, or make a new outlet for the whole or any part of the work, or to construct a tile drain under the bed of the whole or any portion of such drainage work as ancillary thereto, or to construct, reconstruct or extend protective banks, walls, dykes and other protective works as ancillary to the drainage work, or otherwise improve, extend, or alter the work, or to cover the whole or any part of it, the council of the municipality or of any of the municipalities whose duty it is to maintain such drainage work, may, without the petition required by section 2, but on the report of an engineer or surveyor appointed by them to examine and report on the same, undertake and complete the change of course, new outlet, protective works, improvement, extension, alteration or covering specified in the report, and the engineer or surveyor shall for such change of course, new outlet, tile drain, protective works, improvement, extension, alteration or covering, have all the powers to assess and charge lands and roads in any way liable to assessment under this Act for the expense thereof in the same manner, and to the same extent, by the same proceedings and subject to the same rights of appeal as are provided with regard to any drainage work constructed under the provisions of this Act. R.S.O. 1927, c. 241, s. 76 (1); 1936, c. 56, s. 10 (2).

Summary  
appeal to  
referee with  
respect to  
protective  
works.

(2) Where protective banks, walls, dykes or other protective works provided for in subsection 1 are to be constructed, reconstructed or extended to prevent damage to any lands or roads, any owner affected by the drainage work to which the said protective works are ancillary, if dissatisfied with the report of the engineer by reason of the protective works being made ancillary to the drainage work or of the whole or any part of the cost thereof being assessed and charged as part of the drainage work or of any assessments and charges or the apportionment thereof set forth in the report, may appeal therefrom to the referee within the time and in the manner provided in subsection 10 of section 8, and the referee may hear and determine the appeal according to subsection 10 of section 8 and his decision shall be final. 1937, c. 48, s. 3.

Application  
of section.

(3) The provisions of this section shall apply to the better maintenance of a natural stream, creek or watercourse which has been artificially improved by local assessment or otherwise, and to any drainage work constructed under the provisions of *The Ontario Drainage Act*, being chapter 36 of the Revised Statutes of Ontario, 1887, in the same manner, to the same extent, and by the same proceedings as are hereby made applicable to the better maintenance of a drainage work wholly artificial.



(4) Such drainage work shall thereafter be maintained as hereinbefore by this Act provided, but on the basis of the new assessment, unless or until such assessment is varied or otherwise determined as provided by section 75.

(5) Nothing contained in this section or in section 76 shall be construed as requiring a municipal council to procure the report of an engineer before undertaking any work in pursuance of sections 71, 72 and 73. R.S.O. 1927, c. 241, s. 76 (2-4).

Future maintenance.

Report of engineer as to work under ss. 71, 72 and 73 not essential.

#### REPAIRING WORK CONSTRUCTED OUT OF GENERAL FUNDS.

**78.**—(1) Any drainage work heretofore or hereafter constructed out of the general funds of any municipality, or out of the general funds of two or more municipalities, or when constructed by statute labour, or partly by statute labour and partly by general funds or out of funds raised by a local assessment under a by-law which is afterwards found to be illegal or which does not provide for repairs, need not be repaired out of such general funds, but the council of any of the contributing municipalities may, without the petition required by section 2, on the report of an engineer or surveyor, pass a by-law for maintaining the same at the expense of the lands and roads assessable for such work, and may assess the lands and roads in any way liable to assessment under this Act, for the expense thereof in the same manner, and to the same extent, by the same proceedings and subject to the same rights of appeal as are provided with regard to any drainage work constructed under the provisions of this Act.

Assessment for repair of work constructed out of general funds.

(2) Any such drainage work may in like manner and under the like procedure as provided in the case of repairs under this section be deepened, widened, extended, or provided with a new outlet for the whole or any part thereof. R.S.O. 1927, c. 241, s. 77.

Deepening of drain so constructed.

**79.**—(1) Where an engineer or surveyor is directed by the council to make an examination and report under section 77 or subsection 2 of section 78, and upon making such examination finds that the cost of changing the course of, making a new outlet for or otherwise improving, extending or altering the work so that it will be of sufficient capacity to carry off the water to a sufficient outlet will exceed the amount of injury caused or likely to be caused to low-lying lands along the course of or below the termination of the drainage work, then in lieu of such change of course, new outlet, improvement, extension or alteration or in lieu of any work, he may in his report estimate and provide for the compensation of the owners of such lands for any injuries sustained or likely to be

Assessing damage for overflow instead of repairing drain on report.

sustained by reason of no sufficient capacity or sufficient outlet being provided, and he shall in his report determine the amount to be paid to the respective owners of such low-lying lands in respect of such injuries.

Appeal to referee.

(2) Any owner of such low-lying lands, if dissatisfied with the provision for compensation made by the report of the engineer, may appeal therefrom to the referee in manner provided by subsection 10 of section 8, and the referee may hear and determine such appeal in manner as provided by that subsection. R.S.O. 1927, c. 241, s. 78.

#### MANDAMUS TO COMPEL REPAIR.

Power to compel repairs by mandamus.

**80.**—(1) Upon reasonable notice in writing from any person or municipality interested in a drainage work who or whose property is injuriously affected by the condition of the drainage work, the municipality whose duty it is to maintain and keep in repair the drainage work, shall be compellable by mandamus issued by the referee or other court of competent jurisdiction to exercise the powers and to perform the duties conferred or imposed upon it by sections 71 to 78, or such of the said powers as to the referee or court may seem proper, and shall also be liable in pecuniary damages to the person or municipality who or whose property is so injuriously affected.

Appeal with leave.

(2) Any party to such proceedings may by leave of the referee or of the Court of Appeal or a judge thereof, appeal to the Court of Appeal from the decision or judgment of the referee.

Time limitation.

(3) A mandamus against the municipality shall not be moved for until after the lapse of thirty days from the date of the service of the notice.

Liability of municipality for damages caused by non-repair.

(4) Notwithstanding anything contained in subsection 1, the municipality whose duty it is to maintain and keep in repair a drainage work, shall not become liable in pecuniary damages to any owner of land whose property is injuriously affected by reason of the non-repair of such drainage work, unless and until after service by or on behalf of such owner of notice in writing upon the reeve or clerk of such municipality, describing with reasonable certainty the alleged lack of repair of such drainage work.

No liability where drain blocked by snow or ice.

(5) The corporation whose duty it is to maintain and keep in repair a drainage work shall not be liable in damages for any injury caused by reason of a drain on the highway being blocked by snow or ice and overflowing the lands of any person without negligence on the part of the corporation. R.S.O. 1927, c. 241, s. 79.

## REPAIRS BY OWNERS.

**81.**—(1) It shall be lawful for the council of any municipality to pass a by-law or by-laws providing that it shall be the duty of the owner of every lot or part of a lot, assessed for benefit, to clean out the drain and keep the same free from obstructions which may hinder or impede the free flow of the water, and to remove therefrom all weeds and brushwood and to keep the banks of the drain in order, to the extent and in manner or proportion and for the distance determined by the engineer in his report, and, in case any such owner makes default in so doing for thirty days after notice in writing from the council of the municipality, the work may be done by the council or by any officer appointed by it for the purposes of the drain, and the cost thereof, after notice of the same to the person so making default and liable therefor, shall be placed on the collector's roll against the lands of such owner and shall be chargeable against such lands and be collected in the same manner as other municipal or drainage assessments.

Duty of owners as to cleaning out and maintaining banks.

(2) The engineer or surveyor shall in his report state the portion of the drain already or thereafter to be constructed which shall be by each owner assessed for benefit, cleaned out and kept clear and free from obstructions and in good order as prescribed by this section. R.S.O. 1927, c. 241, s. 80.

Engineer to appportion work.

**82.**—(1) When any drainage work, heretofore or hereafter constructed, becomes obstructed by dams, low bridges, fences, washing out of private drains, or other obstructions, for which the land adjoining the drainage work or the owner or person in possession thereof is responsible, so that the free flow of the water is impeded thereby, the persons owning or occupying the land shall, upon reasonable notice in writing given by the council or by an inspector appointed by the council for the inspection and care of drains, remove such obstructions in any manner caused as aforesaid and, if not so removed within the time specified in the notice, the council or the inspector shall forthwith cause the same to be removed.

Persons responsible for obstruction to remove same on notice.

(2) The council may, by by-law, appoint an inspector for the purposes mentioned in subsection 1, and shall in the by-law regulate the fees or other remuneration to be received by him.

Appointment of inspector.

(3) If the cost of removing such obstruction is not paid by the owner or occupant of the lands liable, to the municipality forthwith after the completion of the work, the council may pay the same, and the clerk of the municipality shall place such amount upon the collector's roll against the lands liable,

Collection of cost of removal by municipality.

with ten per centum added thereto, and the same shall be collected like other taxes, subject, however, to an appeal to the judge by the owner or occupant, in respect of the cost of the work. R.S.O. 1927, c. 241, s. 81.

Minor  
repairs.

**83.** The council of any municipality may by by-law direct that the inspector appointed under section 82 shall from time to time remove from any drainage work all weeds and brushwood, fallen timber or other minor obstructions for which the owner of the lands adjacent to the drainage work may not be responsible, and the cost of such work shall be chargeable from time to time against the lands assessed for the maintenance of the drainage work, and in the proportion fixed by the by-law authorizing the drainage work, but it shall not be necessary to assess and levy the amount so charged more than once in every five years after the passing of such first mentioned by-law, unless in the meantime the total expense incurred shall exceed the sum of \$100. R.S.O. 1927, c. 241, s. 82.

#### CUTTING EMBANKMENTS, BANKS, ETC.

Penalty for  
injury to  
embank-  
ments, etc.

**84.** Any person who obstructs, fills up or injures any drainage work, or destroys, cuts, or injures any embankment of any pumping works, or of any other drainage work, in addition to his liability in civil damages therefor, upon the complaint of the council of the municipality or of any person affected by such obstructing, filling up, destroying, cutting, or injuring, upon summary conviction thereof, shall incur a penalty of not less than \$5 nor more than \$100 and shall also be liable to imprisonment for any term not exceeding six months, and in default of payment of such penalty shall further be liable to imprisonment for any term not exceeding three months. R.S.O. 1927, c. 241, s. 83.

#### REMOVING ARTIFICIAL OBSTRUCTIONS.

Removal of  
dams on  
construc-  
tion of  
work.

**85.** Wherever, in the construction of any drainage work any dam or other artificial obstruction exists in the course of or below the work, and is situate wholly within the municipality doing the work, the council shall have power, with the consent of the owner thereof and of the council or councils of the other municipalities liable to assessment for the cost of the work, and upon payment of such purchase money as may be mutually agreed upon, or in default of such consent or agreement be determined by the referee, to remove the same wholly or in part, and any amount so paid or payable as purchase money shall be deemed part of the cost of construction and be provided for in the assessment by the engineer or surveyor. R.S.O. 1927, c. 241, s. 84.



## OPERATING PUMPING WORKS.

**86.**—(1) For the better maintenance of drainage work by embanking, pumping or other mechanical operations, the council of the municipality initiating the work may pass by-laws appointing a commissioner or commissioners who shall have power to enter into all necessary and proper contracts for the purchase of fuel, erection or repairs of buildings, and purchase and repairs of machinery, and to do all other things necessary for successfully operating such drainage work, as may be set forth in the by-law appointing them, and the council may pass by-laws for defraying the annual cost of maintaining and operating the work by assessment upon the lands and roads in any way liable to assessment under the provisions of this Act.

Appointment of commissioners for pumping works.

(2) Upon the petition of two-thirds of the resident owners in the drainage territory, the council of the municipality may pass by-laws empowering the commissioner or commissioners appointed under this section to use all buildings, machinery and equipments belonging to and in connection with any drainage pumping works, and to operate the same for such purposes and upon such terms as may be set forth in such by-laws but so that the profits or benefits of such user shall accrue to the owners. R.S.O. 1927, c. 241, s. 85.

Powers which may be granted to them.

**87.** Upon the petition of two-thirds of the persons interested in any drainage work constructed by embanking, pumping or other mechanical operations, and not constructed by the municipality, the council of the municipality in which the work is situate may assume the work and maintain and operate the same, in the same manner and to the same extent as if such drainage work had been constructed under the provisions of this Act, but at the cost of the lands and roads liable to be assessed for the work. R.S.O. 1927, c. 241, s. 86.

Assuming drainage works constructed by private persons.

## DEBENTURES FOR MAINTENANCE.

**88.**—(1) Where the maintenance of any drainage work is so expensive that the municipal council liable therefor deems it inexpedient to levy the cost thereof in one year, the council may pass a by-law to borrow, upon the debentures of the municipality, the amount necessary for the work, or its proportion thereof, and shall assess, and levy upon the lands and roads liable therefor a special rate sufficient for the payment of the debentures.

Power to issue debentures for cost of maintenance.

(2) Where such debentures are issued for work done under the provisions of section 77, such debentures shall be payable within twenty years from the date thereof, and where such

Time at which debentures to be payable.

debentures are issued for the cost of repairs undertaken under any other provision such debentures shall be payable within seven years from the date thereof.

Applica-  
tion of  
Rev. Stat.,  
cc. 71, 266.

(3) The provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under any by-law passed under this section, which has before its final passing been published or of which the ratepayers have been notified in manner provided by this Act or which has, after its passing been promulgated under the provisions of *The Municipal Act*. R.S.O. 1927, c. 241, s. 87.

#### PAYING BACK ADVANCES.

Repayment  
of advances  
from general  
funds on  
receipt of  
assess-  
ments.

**89.** Any money which has been or may hereafter be advanced by the council of any municipality out of its general funds for the purposes of any drainage work in anticipation of the levies and collections therefor, shall be repaid into the general funds of the municipality as soon as the money first derived from the assessment is collected. R.S.O. 1927, c. 241, s. 88.

#### MUNICIPALITY ASSUMING AWARD DRAINS.

Power to  
bring drains  
constructed  
under Rev.  
Stat., c. 350  
within this  
Act.

**90.** Upon a petition presented to the council of any municipality as provided for in section 2 having within the area described therein any drain constructed under *The Ditches and Watercourses Act* or any other Act providing for assessment in work, signed by a majority of the owners interested in such ditch or drain, the council may assume the same and proceed thereon in the same manner and to the same extent as for the construction of any drainage work under the provisions of this Act, and the passing of the by-law under the provisions of this Act shall in every such case be a bar to any further proceedings upon the award or under the provisions of the Act upon which such award is based. R.S.O. 1927, c. 241, s. 89.

#### COST OF REFERENCE AND INCIDENTAL EXPENSES.

Expenses to  
be deemed  
part of the  
cost of  
the work.

**91.** Except where otherwise provided by this Act, the cost of any reference had in connection with the construction or maintenance of any drainage work, the cost of the publication or service of by-laws, and all other expenses incidental to the construction or maintenance of the work and the passing of the by-laws, shall be deemed part of the cost of such work, and shall be included in the amount to be raised by local rate on all lands and roads liable therefor. R.S.O. 1927, c. 241, s. 90.

## LANDLORD AND TENANT.

**92.** Any agreement on the part of any tenant to pay the rates or taxes in respect of the demised lands, shall not include the charges and assessments for any drainage work unless such agreement in express terms so provides; but in cases of contract to purchase or of leases giving the lessee an option to purchase, the charges and assessments for drainage work in connection with which proceedings were commenced under this Act, after the date of the contract or lease, and which have been already paid by the owner, shall be added to the price and shall be paid by the purchaser or the lessee in case he exercises his option to purchase; but the amount still unpaid on the cost of the work or repair and charged against the lands shall be borne by the purchaser unless otherwise provided by the conveyance or agreement. R.S.O. 1927, c. 241, s. 91.

Tenant's  
covenant to  
pay taxes  
—when to  
include  
drainage  
assess-  
ments.

## DRAINAGE REFEREES.

**93.**—(1) The Lieutenant-Governor in Council from time to time may appoint two referees for the purpose of the drainage laws; that is to say, *The Ontario Drainage Act*, the provisions of this Act, and any other Acts, and parts of Acts on the same subject.

Referees,  
appoint-  
ment of.  
Rev. Stat.,  
1887, c. 36

(2) Such referees shall be deemed to be and shall be officers of the Supreme Court.

To be  
officers of  
Supreme  
Court.

(3) They shall be barristers of at least ten years' standing at the Bar of Ontario.

Qualifi-  
cation.

(4) They shall hold office by the same tenure as official referees under *The Judicature Act*.

Tenure of  
office.  
Rev. Stat.,  
c. 100.

(5) They shall not practise as solicitors or barristers in any matter arising under this Act, nor act as legal agents or advisers in any such matter.

Not to  
practise.

(6) They shall each be paid a salary of such amount as may be appropriated by this Legislature for the purpose, not exceeding \$3,500 a year, to be paid monthly, together with their reasonable travelling expenses.

Salary.

(7) One of such referees shall exercise all the rights, powers, privileges and jurisdiction conferred upon him by this Act or any other Act or Acts in the Counties of Stormont, Dundas, and Glengarry, Prescott and Russell, Leeds and Grenville, Frontenac, Lennox and Addington, Prince Edward, Hastings, Northumberland and Durham, Victoria, Haliburton, Peterborough, Renfrew, Lanark, Carleton, and the other referee

Jurisdic-  
tion.

shall exercise all the rights, powers, privileges and jurisdiction conferred upon him by this Act or any other Act or Acts in all the other counties and districts in Ontario.

Absence or illness.

(8) Where either of the referees is absent or owing to illness or other cause is unable to act, or where the office of either referee is vacant, the remaining referee shall act and shall have jurisdiction as referee over the whole Province until the vacancy is filled or the other referee is able to act. R.S.O. 1927, c. 241, s. 92.

Referee to have powers of an official referee under Rev. Stat., cc. 100, 109.

**94.**—(1) The referee shall have the powers of an official referee under *The Judicature Act* and *The Arbitration Act* and of arbitrators under any former enactments relating to drainage works.

Additional powers.

(2) In respect to all applications and proceedings before him or which may come before him under the provisions of this Act, or any former Act relating to drainage works, he shall have the powers of a judge of the Supreme Court including the production of books and papers, the amendment of notices of appeal and of notices of claims for compensation or damages, and of all other notices and proceedings, and he may correct errors, or supply omissions, fix the time and place of hearing, appoint the time for his inspection, summon to his aid engineers, surveyors or other experts, and regulate and direct all matters incident to the hearing, trial and decision of the matters before him so as to do complete justice between the parties, and he may also grant an injunction or a mandamus in any matter before him under this Act.

Granting a mandamus or injunction.

Power to determine validity of proceedings and amend report.

(3) The referee shall have power, subject to appeal as hereinafter provided, to determine the validity of all petitions, resolutions, reports, provisional or other by-laws, whether objections thereto have been stated as grounds of appeal to him or not, and to amend and correct any provisional by-law in question, and, with the engineer's consent and upon evidence given, to amend the report in such manner as may be deemed just, and upon such terms as may be deemed proper for the protection of all parties interested, and, if necessary by reason of such amendments, to change the gross amount of any assessment made against any municipality, but in no case shall he assume the duties conferred by this Act upon the court of revision or a county judge. R.S.O. 1927, c. 241, s. 93.

Interlocutory applications, no appeal from referee thereon.

**95.** All interlocutory applications for any of the purposes mentioned in subsection 2 of section 94 shall be made to the referee and his order thereon shall be final and conclusive. R.S.O. 1927, c. 241, s. 94.



## APPEALS FROM ASSESSMENT.

**96.** A copy of the notice of appeal by any municipality from the report, plans, specifications, assessments, and estimates of an engineer or surveyor or from a provisionally adopted by-law, with an affidavit of service thereof shall, within the time limited by this Act for the service of the same, be filed in the office of the clerk of the county court of the county or union of counties in which the drainage work commenced. R.S.O. 1927, c. 241, s. 95.

Notice of  
appeal from  
assessment  
to be filed.

**97.** The by-law of the initiating municipality and of any other municipalities interested shall be amended so as to incorporate and carry into effect the decision or report of the referee or such decision or report as varied on appeal, as the case may be. R.S.O. 1927, c. 241, s. 96.

Amendment  
of by-law to  
carry out  
decision of  
referee.

**98.**—(1) Subject to the provisions of section 99, applications to set aside, declare void or otherwise directly or indirectly to attack the validity of any petition, report of an engineer, resolution of a council, by-law provisionally adopted or finally passed relating to a drainage work as hereinbefore defined, as well as all proceedings to determine claims and disputes arising between municipalities or between a company and a municipality or between individuals and a municipality, company or individual in respect of anything done or required to be done under the provisions of this Act or consequent thereon, or by reason of negligence, or for a mandamus or injunction, shall be made to and shall be heard and tried by the referee, who shall hear and determine the same and give his decision and his reasons therefor.

Application  
to set aside  
drainage by-  
law, report,  
petition or  
resolution or  
made to  
referee.

(2) If the referee thinks that any proceeding under subsection, 1 could be more conveniently heard and tried by a county judge he may in his discretion request the county judge to hear and try such matter or proceeding, and any county judge acting upon such request shall have all the jurisdiction of the referee under this Act.

Trial by  
county  
judge.

(3) Proceedings for the determination of claims and disputes and for the recovery of damages by reason of negligence, or by way of compensation or otherwise, or for a mandamus or an injunction, under this section, shall be instituted by serving ten clear days' notice setting forth the grounds of the claim for damages or compensation or a mandamus or an injunction as the case may be upon all persons concerned.

Proceedings  
to be in-  
stituted by  
notice.

(4) A copy of the notice with an affidavit of service thereof shall be filed with the clerk of the county court of the county

Notice to be  
filed in  
county  
court.

in which the land is situate and the notice shall be filed and served within two years from the time the cause of complaint arose.

Affidavits to be filed before motion.

(5) All affidavits intended to be used in support of a motion shall be filed with the clerk of the county court not less than five days before the return day of the motion.

Application not to be made otherwise.

(6) Subject to the provisions of section 99, no application or proceeding within the meaning of this section shall be made or instituted otherwise than as herein provided.

Costs on claims not exceeding \$60 on division court scale.

(7) Where the amount awarded upon a claim for damages arising out of a drainage work does not exceed \$60, the costs allowed to the plaintiff shall be on the division court scale so far as the same is applicable.

Costs in award of damages for non-repair.

(8) Where the amount awarded is upon a claim for damages by reason of the non-repair of a drainage work, the costs allowed shall be on the division court scale. R.S.O. 1927, c. 241, s. 97.

Actions may be transferred to referee.

**99.**—(1) Where an action is brought or is pending and the court in which the same is brought or is pending or a judge thereof is of opinion that the relief sought therein is properly the subject of a proceeding under this Act or that the same may be more conveniently tried before and disposed of by the referee, the court or judge may, on the application of either party, at any stage of the action make an order transferring it to the referee on such terms as may be deemed just, and the referee shall thereafter give directions for the continuance of the action before him, which shall be as far as practicable in conformity with the provisions of this Act as to proceedings by a notice of motion, and subject to the order, all costs shall be in his discretion.

Application of section.

(2) This section shall apply only where the action is brought within the period limited by this Act for taking proceedings on notice. R.S.O. 1927, c. 241, s. 98.

Decision of Court of Appeal to be final.

**100.** The decision of the referee in all applications and proceedings under this Act, not otherwise provided for as being final and conclusive between the parties, shall be subject to appeal to the Court of Appeal and its decision thereon shall be final, conclusive and binding upon all parties to the application or other proceeding. R.S.O. 1927, c. 241, s. 99.

Assessing damages and costs payable by municipalities.

**101.**—(1) Save as provided by subsections 2, 3 and 4 all damages and costs payable by a municipality and arising from proceedings taken under this Act shall be levied *pro rata* upon the lands and roads in any way assessed for the drainage work

according to the assessment thereof for construction or maintenance, and may be assessed, levied and collected in the same manner as rates assessed, levied and collected for maintenance under this Act.

(2) Where such damages and costs become payable owing to any improper action, neglect, default or omission on the part of the council of any municipality or of any of its officers in the construction of the drainage work or in carrying out the provisions of this Act, the referee or court may direct that the whole or any part of such damages and costs shall be borne by such municipality and be payable out of the general funds thereof.

Municipality in default may be ordered to pay damages and costs.

(3) Where in any such proceedings by or against a municipality an amicable settlement is arrived at and carried out by the advice of counsel, the damages and costs payable under the terms of such settlement by any municipality shall be borne and paid as directed by the referee on application to him on behalf of the council of the municipality or any owner of lands assessed for the construction or maintenance of the drainage work, and in making such direction the referee shall have regard to the provisions of subsection 2.

In cases of settlement.

(4) Where in the opinion of the referee damages and costs have become payable by reason of the insufficiency of the capacity or outlet of a drainage work and it is necessary in order to prevent a continuance of such damage to improve, extend or alter the said drainage work, the referee may by his report permit the council of the municipality to add such damages and costs to the engineer's estimate of the cost of any such improvement, extension or alteration, and in such case the engineer shall include the amount of such damages and costs in his estimate of such cost and the same shall thereafter be assessed, levied and collected as if it were part of the actual cost of the drainage work. R.S.O. 1927, c. 241, s. 100.

Where extension of drainage work necessary.

#### CROSSING RAILWAY LANDS.

**102.**—(1) Whenever by the report of an engineer or surveyor, drainage works are proposed to be carried upon, along, under or across the lands of any railway company, the council initiating the scheme shall serve the railway company with a copy of the report, plans, specifications, assessments or other estimates of the engineer or surveyor of the proposed works, and the company so served shall at any time within three weeks after such service have a right to appeal to the referee upon any question arising in connection with that portion of the drain or drainage work upon, along, under or across its railway or lands.

Carrying work through railway lands—service of report, etc., on company

Jurisdiction  
of referee  
on appeal.

(2) Upon any appeal under subsection 1, the referee shall hear and adjudicate upon all questions raised in the notice of appeal, may amend the report appealed from and make such order in the premises as may be deemed just.

Costs of  
appeal.

(3) The costs of such appeal shall be in the discretion of the referee. R.S.O. 1927, c. 241, s. 101.

#### PROCEEDING WITH REFERENCE.

Referee to  
direct pro-  
cedure.

**103.**—(1) The referee at any time after an appeal or reference is made to him as hereinbefore provided, may give directions for the filing or serving of objections and defences to such appeal or reference and for the production of documents and otherwise; and may give an appointment to either or any party to the appeal or reference, to proceed therewith at such place and time and in such manner as to him may seem proper, but unless the parties otherwise consent the hearing shall be in the county or one of the counties in which the drainage work or proposed drainage work is situate or in which lands are assessed.

Clerk of  
court.

(2) The clerk of the county court shall be the clerk of the court of the referee, and shall take charge of and file all the exhibits, and shall be entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the county court.

Fees of  
clerk.

(3) The clerk shall be entitled to such fees as the referee may direct, not exceeding \$4 per day for his attendance at the court and such fees shall be included in the costs and shall be borne and paid as the referee may direct.

To be paid  
in money.

(4) The fees payable to the clerk shall be paid in money and not in stamps.

Referee's  
clerk.

(5) In the absence of the clerk of the county court the referee may appoint the referee's clerk or some other person to act as clerk for the purpose of the trial and for taking charge of and filing all exhibits, and the person so appointed shall while so acting have the same power and be entitled to the same fees as the clerk of the county court would have and be entitled to if personally present.

Subpoenas.

(6) Subpoenas for the attendance of witnesses at the hearing, tested in the name of the referee, may be issued by the clerk of the county court of the county in which the case is to be heard.

Shorthand  
writer.

(7) Two or more shorthand writers may from time to time be appointed by the Lieutenant-Governor in Council to report



hearings or trials before the referee, and every such officer shall be deemed to be an officer of the Supreme Court, and shall be paid in the same manner as shorthand writers in the Supreme Court are paid and the several sections of *The Judicature Act* respecting shorthand writers shall apply to any shorthand writer appointed under this Act. R.S.O. 1927, c. 241, s. 102. Rev. Stat., c. 100.

**104.** When the referee proceeds partly on view or on any special knowledge or skill possessed by himself, he shall put in writing a statement of the same sufficiently full to allow the Court of Appeal to form a judgment of the weight which should be given thereto, and he shall state as part of his reasons the effect by him given to such statement. R.S.O. 1927, c. 241, s. 103. When referee proceeds on view or special knowledge.

**105.** The decision or report of the referee with the evidence, exhibits, and statement, if any, of inspection or of technical knowledge and the reason for his decision shall be filed in the office of the clerk of the county court, and notice of the filing shall forthwith be given by the clerk, by post or otherwise, to the solicitors of the parties appearing by solicitor, and to other parties not represented by a solicitor, and also to the clerk of the municipality or other corporation. R.S.O. 1927, c. 241, s. 104. Clerk to forward notice of filing.

**106.** A copy of the decision or report certified by the referee or clerk aforesaid, shall be sent or delivered to the clerk of every municipality interested in the drainage work in question upon receipt of the sum chargeable therefor, as hereinbefore provided, and shall be kept on file as a public document of the municipality. R.S.O. 1927, c. 241, s. 105. Report to be sent to clerk of each municipality interested.

**107.** The decision or report of the referee shall be in the form of an order for judgment and may be delivered as decisions by the judges of the Supreme Court are, and need not be in the form of a report, and unless appealed from to the Court of Appeal, as herein provided, judgment may be entered in the proper office without any further or other application or order. R.S.O. 1927, c. 241, s. 106. Decision to be in form of order for judgment.

**108.** When an appointment is given by the referee for the hearing of any matter under this Act in any city, town or place wherein a court house is situated, he shall have in all respects the same authority as a judge of the Supreme Court in regard to the use of the court house, or other place or apartments set apart in the county for the administration of justice. R.S.O. 1927, c. 241, s. 107. Use of court house.

Sheriffs, etc.,  
to assist  
referee—  
fees there-  
for.

**109.** Sheriffs, deputy-sheriffs, constables and other peace officers shall aid, assist and obey the referee in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificates of the said referee, be paid by the county or counties interested, like fees as for similar services at the sittings of the Supreme Court for the trial of causes. R.S.O. 1927, c. 241, s. 108.

Rules and  
practice.

**110.** Except as in this Act otherwise provided and subject to the provisions thereof, the rules and practice for the time being of the Supreme Court shall be followed so far as the same are applicable. R.S.O. 1927, c. 241, s. 109.

Evidence  
taken before  
referee need  
not be filed  
or written  
out.

**111.** In cases brought before the referee in pursuance of the powers conferred by this Act, or by any other Act, the evidence taken before him need not be filed, and need only be written out at length by the shorthand writer, if required by the referee or by any parties to the reference, and if required by any of the parties to the reference, copies shall be furnished upon such terms as may be fixed by the Lieutenant-Governor in Council. R.S.O. 1927, c. 241, s. 110.

Taxation  
of costs.

**112.** Costs shall be taxed by the referee, or he may direct the taxation thereof by the clerk of the county court with whom the papers are filed, or by any taxing officer of the Supreme Court. R.S.O. 1927, c. 241, s. 111.

Fees, how  
to be paid.

**113.** Fees shall be paid in stamps or otherwise in the same manner as in the case of other proceedings in such courts respectively, until other provision is made in that behalf by competent authority. R.S.O. 1927, c. 241, s. 112.

Fees on  
trial.

**114.** To provide a fund for or towards the payment of the referee's salary and other expenses, there shall be further payable a sum which shall be determined by the referee and mentioned in his decision or report or in a subsequent report; but the said sum not to exceed the rate of \$4 a day for every full day the trial occupies, and shall be paid in stamps by one or the other of the parties, or distributed between or among the parties as the referee directs. R.S.O. 1927, c. 241, s. 113.

Reports to  
be stamped.

**115.** The decision or report of the referee shall not be given out until stamped with the necessary stamps. R.S.O. 1927, c. 241, s. 114.

Time for  
appealing  
to Court  
of Appeal.

**116.**—(1) The decision or report of the referee, on any appeal or reference under this Act, or in any action or proceeding transferred or referred to him under this Act shall be

binding and conclusive upon all parties thereto, unless appealed from to the Court of Appeal within one month after the filing thereof, or within such further time as the referee or the Court of Appeal or a judge thereof may allow, save as otherwise provided by this Act in any case where it is declared that the decision of the referee shall be final.

(2) The decision or report may be appealed against to the Court of Appeal in the same manner as from a decision of a judge of the Supreme Court sitting in court. R.S.O. 1927, c. 241, s. 115. Procedure.

#### RULES AND TARIFF OF COSTS.

**117.** The judges of the Supreme Court shall have the same authority to make general rules with respect to proceedings before the referee and appeals from him as they have with respect to proceedings under *The Judicature Act*, and section 106 of that Act shall apply thereto. R.S.O. 1927, c. 241, s. 116. Judges of  
Supreme  
Court may  
make rules.  
Rev. Stat.,  
c. 100.

**118.**—(1) Subject to any such general rules the referee shall have power, with the approval of the Lieutenant-Governor in Council, to frame rules regulating the practice and procedure to be followed in all proceedings before him under this Act, and also to frame tariffs of fees in cases not otherwise provided for. Referee may  
make rules.

(2) Such rules and tariffs, whether made by the judges or the referee, shall be published in the *Ontario Gazette* and shall thereupon have the force of law, and the same shall be laid before the Assembly at its next session after promulgation thereof. R.S.O. 1927, c. 241, s. 117. Publication.

**119.** Until other provisions are made under sections 117 and 118 the tariff of the county court shall be the tariff of costs and of fees and disbursements for solicitors and officers under this Act and the referee shall have the power to fix counsel fees. R.S.O. 1927, c. 241, s. 118. Tariff of  
county court  
adopted  
until rules  
made.

## FORM 1.

## FORM OF PETITION FOR DRAINAGE WORK.

(Section 3.)

The petition of the majority in number of the resident and non-resident persons (exclusive of farmers' sons not actual owners), as shown by the last revised assessment roll of the township of \_\_\_\_\_ in the county of \_\_\_\_\_ to be the owners of the lands to be benefited within said township, and herein-after described, sheweth as follows:

Your petitioners request that the area of land within the said township and being described as follows: that is to say, lots numbered 1 to 10 inclusive in the first concession; lots lettered A to H inclusive in the second concession; north-west halves of lots numbered 4 to 12 inclusive in the third concession; the side-road between lots numbered 7 and 8 in the first concession, and the road allowance between concessions 1 and 2 and between 2 and 3 (*as the case may be, or describing the area by metes and bounds*), may be drained by means of:—

1. A drain or drains.

2. Deepening, straightening, widening, clearing of obstructions or otherwise improving the stream, creek or watercourse, known as (*name or other general designation*).

3. Lowering the water of lake \_\_\_\_\_ or the pond known as (*name or other general designation*), (*or by any or all of said means*).

And your petitioners will ever pray:—

R.S.O. 1927, c. 241, Form 1.

## FORM 2.

## FORM OF BY-LAW.

(Section 22.)

A by-law to provide for drainage work in the \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_ and for borrowing on the credit of the municipality, the sum of \_\_\_\_\_ for completing the same (*or the sum of \_\_\_\_\_ the proportion to be contributed by said municipality for completing the same*).

Provisionally adopted the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19 \_\_\_\_\_.

Whereas the majority in number of the resident and non-resident owners (exclusive of farmers' sons not actual owners), as shown by the last revised assessment roll, of the property hereinafter set forth to be benefited by drainage work (*as the case may be*) have petitioned the council of the said \_\_\_\_\_ of \_\_\_\_\_ praying that (*here set out the purport of the petition, describing generally the lands and roads to be benefited*).

And whereas, thereupon the said council has procured an examination, to be made by \_\_\_\_\_, being a person competent for such purpose, of the said area proposed to be drained and the means suggested for the drainage thereof, and of other lands and roads liable to assess-



ment under *The Municipal Drainage Act*, and has also procured plans, specifications and estimates of the drainage work to be made by the said \_\_\_\_\_ and an assessment to be made by him of the lands and roads to be benefited by such drainage work, and of other lands and roads liable for contribution thereto, stating as nearly as he can the proportion of benefit, outlet liability and injuring liability, which, in his opinion, will be derived or incurred in consequence of such drainage work by every road and lot, or portion of lot, the said assessment so made being the assessment hereinafter by this by-law enacted to be assessed and levied upon the roads and lots, or parts of lots hereinafter in that behalf specially set forth and described; and the report of the said \_\_\_\_\_ in respect thereof, and of the said drainage work being as follows: (*here set out the report of the engineer or surveyor employed*).

And whereas the said council are of opinion that the drainage of the area described is desirable:—

Therefore the said municipal council of the said \_\_\_\_\_ of \_\_\_\_\_, pursuant to the provisions of *The Municipal Drainage Act*, enacts as follows:—

1st. The said report, plans, specifications, assessments and estimates are hereby adopted, and the drainage work as therein indicated and set forth shall be made and constructed in accordance therewith.

2nd. The reeve (*or mayor*) of the said \_\_\_\_\_ may borrow on the credit of the corporation of the said \_\_\_\_\_ of \_\_\_\_\_ the sum of \_\_\_\_\_ dollars, being the funds necessary for the work *not otherwise provided for* (*or being said municipality's proportion of the funds necessary for the work*), and may issue debentures of the corporation to that amount in sums of not less than \$50 each, and payable within \_\_\_\_\_ years from the date of the said debentures with interest at the rate of \_\_\_\_\_ per centum per annum, that is to say: (*insert the manner of payment annually and whether with or without coupons, and if the latter, omit the last clause of this paragraph*) such debentures to be payable at \_\_\_\_\_, and to have attached to them coupons for the payment of interest.

3rd. For paying the sum of (\$410), the amount charged against the said lands and roads for benefit, and the sum of (\$108), the amount charged against said lands and roads for outlet liability, and the sum of (\$135), the amount charged against said lands and roads for injuring liability, apart from lands and roads belonging to or controlled by the municipality, and for covering interest thereon for \_\_\_\_\_ years, at the rate of \_\_\_\_\_ per centum per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot or part of lot respectively shall be divided into \_\_\_\_\_ equal parts, and one such part shall be assessed, levied and collected as aforesaid, in each year, for \_\_\_\_\_ years, after the final passing of this by-law, during which the said debentures have to run.

Concession.	Lot or part of lot.	Acres.	Value of Benefit.	Value of Outlet Liability.	Value of Injuring Liability.	To cover interest for year at per centum.	Total special rate.	Annual Assessment during each year for years.
			\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
10	S. $\frac{1}{4}$ 5	200	100 00	23 00				
10	S. $\frac{1}{4}$ 6	100	50 00	10 00				
10	N. $\frac{1}{4}$ 6	50	30 00	5 00				
10	S. W. $\frac{1}{4}$ 8	100	80 00	13 00				
10	S. W. $\frac{1}{4}$ & N. $\frac{1}{4}$ 9	150	150 00	20 00				
10	N. $\frac{1}{4}$ 4	200	.....	24 00				
10	S. $\frac{1}{4}$ 3	100	.....	13 00				
9	W. $\frac{1}{4}$ 5	100	.....		40 00			
9	N. $\frac{1}{4}$ 6	50	.....		25 00			
9	N. E. $\frac{1}{4}$ & N. $\frac{1}{4}$ 7	150	.....		70 00			
Total for benefit.....			410 00	108 00	135 00			
“ outlet .....			108 00					
“ injuring .....			135 00					
Roads (and lands) of municipality.....			100 00					
Total .....			\$753 00					

4th. For paying the sum of (\$100), the amount assessed against the said roads and lands of the municipality, and for covering interest thereon for \_\_\_\_\_ years at the rate of \_\_\_\_\_ per centum per annum, a special rate in the dollar, sufficient to produce the required yearly amount therefor shall, over and above all other rates, be levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the whole rateable property in the said \_\_\_\_\_ of \_\_\_\_\_ in each year for \_\_\_\_\_ years, after the final passing of this by-law, during which the said debentures have to run.

5th. This by-law shall be published once in every week for four consecutive weeks in the \_\_\_\_\_, newspaper, published in the town of \_\_\_\_\_ (or printed and served or mailed as prescribed), and shall come into force upon and after the final passing thereof, and may be cited as the “ \_\_\_\_\_ By-law.”

R.S.O. 1927, c. 241, Form 2.

## CHAPTER 279.

### The Seed Grain Subsidy Act.

**1.**—(1) Subject to the provisions of this Act, the council of any municipality may pass by-laws to guarantee payment by farmers resident within the municipality of debts contracted by such farmers in the purchase of seed grain. <sup>Guarantee of payments for seed grain.</sup>

(2) Every such guarantee shall be made and given by the corporation of the municipality in the form and manner set forth in the by-law, but no such guarantee shall be made or given unless the same is first approved and signed by the reeve and treasurer of the municipality. <sup>Form of guarantee.</sup>

(3) All seed grain purchased by a farmer under guarantee given under this Act shall be used only for seeding purposes upon the farm owned or occupied by such farmer within the municipality in which he resides. 1934, c. 53, s. 2. <sup>Seed grain,—restrictions as to use.</sup>

**2.** The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to pay out of the Consolidated Revenue Fund all such moneys as may be required to repay to the corporation of any municipality two-thirds of all sums expended by such municipality under or by virtue of any guarantees entered into by it under the authority of this Act. 1934, c. 53, s. 3. <sup>Repayment to municipality.</sup>

**3.** The Lieutenant-Governor in Council may make regulations,— <sup>Regulations.</sup>

- (a) respecting the guarantees to be given by municipalities under this Act and the form and manner of execution thereof;
- (b) the aggregate amount which may be guaranteed by any municipality and the maximum amount for which any specific guarantee may be given;
- (c) the proofs to be required by farmers before any guarantee is given;
- (d) the statements and returns to be made by municipalities to the Department of Agriculture;
- (e) generally for the better carrying out of the provisions of this Act. 1934, c. 53, s. 4.

Payments  
for seed  
grain to be  
deemed part  
of current  
expenditure.

Rev. Stat.,  
cc. 266, 272.

4. Any expenditures made or estimated to be made by the corporation of a municipality under this Act shall for the purposes of *The Municipal Act* and *The Assessment Act* form part of the current expenditure of such corporation in the year in which the same is made. 1934, c. 53, s. 5.



## CHAPTER 280.

### The Municipal Arbitrations Act.

**1.—(1)** All claims against the corporation of a city having a population of not less than 100,000, and all claims made jointly against such corporation and the corporation of an adjoining municipality for compensation or damages for land expropriated or injuriously affected under *The Municipal Act*, and all other claims and questions arising under any lease or other contract to which the corporation is a party, and which by law or by the terms of the lease or contract are to be determined by arbitration, shall be heard and determined by an official referee appointed by the Lieutenant-Governor in Council and who shall be called the "Official Arbitrator." R.S.O. 1927, c. 242, s. 1 (1).

(2) The Official Arbitrator shall,—

(a) be a judge of a county court or a barrister of at least ten years' standing at the Bar of Ontario;

Powers, etc.,  
of Official  
Arbitrator.

(b) have all the powers of an official referee under *The Judicature Act* and of an arbitrator under *The Municipal Act* or under *The Arbitration Act*;

Powers.  
Rev. Stat.,  
cc. 100, 266,  
109.

(c) be an officer of the Supreme Court;

Status.

(d) not act as solicitor or counsel for or against the corporation or for any other municipal corporation;

Disability.

(e) have all the powers of a judge of the Supreme Court including those relating to the production of books and papers, the amendment of notices for compensation or damage and of all other notices and proceedings, the rectification of errors or omissions, the time and place of taking examinations and views, the assistance of valuers, appraisers, engineers, surveyors or other experts, and as respects all matters incident to the hearing and determination of matters before him or proper for doing complete justice therein between the parties, including the power of awarding costs. R.S.O. 1927, c. 242, s. 1 (2); 1928, c. 40, s. 1; 1935, c. 44, s. 2.

Other  
powers.

Vacancy.

**2.**—(1) The death of the Official Arbitrator or his ceasing to hold office from any cause pending a reference before him, before his award is made, shall not abate the proceedings, but such reference shall be continued and all proceedings therein already taken shall be adopted, and an award made therein by his successor in office.

Deputy  
Official  
Arbitrator.

(2) The Lieutenant-Governor in Council may appoint a Deputy Official Arbitrator and, in case of the illness or absence or inability to act of the Official Arbitrator and during a vacancy in the office, the Deputy Official Arbitrator shall have all the powers and perform all the duties of the Official Arbitrator.

Death of  
claimant.

(3) The death of the claimant pending a reference before the Official Arbitrator shall not abate or determine the proceedings already taken before him, but such proceedings already taken may be continued by or against the legal representatives of the deceased, or by or against the person or persons upon whom the estate or interests of the deceased devolves. R.S.O. 1927, c. 242, s. 2.

Commence-  
ment of pro-  
ceedings.

**3.** If any person interested in any such claim or question desires that the same should be determined by the Official Arbitrator, he shall give to the clerk of the municipality and to every other person interested seven clear days' notice that the same is so referred, specifying therein the nature of the claim or question to be determined, and the amount in controversy, and upon such notice, with proof of the service of it, being filed with him, the Official Arbitrator may proceed to hear and determine the matters so referred to him. R.S.O. 1927, c. 242, s. 3.

When  
Official  
Arbitrator  
to state  
reasons in  
writing.

**4.** Where the Official Arbitrator proceeds partly on view or upon any special knowledge or skill possessed by himself he shall put in writing as part of his reasons a statement of such matter sufficiently full to allow the Court of Appeal to determine the weight which should be attached to it. R.S.O. 1927, c. 242, s. 4.

Filing  
award.

**5.** The award of the Official Arbitrator and exhibits and the reasons of his decision, shall be filed in the office of the registrar of the Court of Appeal, and notice of the filing shall forthwith be given by the Official Arbitrator to the parties who appeared or were represented upon the reference or to their solicitors, and upon the request of any of the parties interested in the inquiry, the notes taken by the shorthand writer, if any, shall be extended by him and, upon payment of his proper fees

therefor, shall be filed with the registrar. R.S.O. 1927, c. 242, s. 5; 1928, c. 40, s. 2. Extending notes of evidence.

**6.** The award when so filed shall not be made public until all the fees payable to the Official Arbitrator have been paid to him. R.S.O. 1927, c. 242, s. 6. Fees to be paid before award made public.

**7.** The award may be appealed against to the Court of Appeal in the same manner as the decision of a judge of the Supreme Court sitting in Court is appealed from, and subject to section 357 of *The Municipal Act*, shall be binding and conclusive upon all parties to the reference unless appealed from within six weeks after notice that it has been filed. R.S.O. 1927, c. 242, s. 7. Appeal to Court of Appeal. Rev. Stat., c. 266.

**8.** The time of any vacation of the Supreme Court shall not be reckoned in the computation of the time for doing any act or taking any proceeding in relation to the appeal. R.S.O. 1927, c. 242, s. 8. Vacation.

**9.** Where no appeal is taken within the prescribed time, or when an appeal has been disposed of, the exhibits may be delivered out to the parties entitled to them. R.S.O. 1927, c. 242, s. 9. Giving out exhibits when no appeal.

**10.** Where an action has been brought or is pending, the court or a judge thereof, if of opinion that the relief sought is properly the subject of a proceeding under this Act, on the application of either party or otherwise, may at any stage of the action order it to be transferred to the Official Arbitrator on such terms as to costs and otherwise as may be deemed proper, and the Official Arbitrator shall thereupon give such directions as to the prosecution of the claim before him as he may deem just and convenient, and subject to the provisions, if any, in respect thereto in the order of transfer, the costs of the action shall be in his discretion. R.S.O. 1927, c. 242, s. 10. Transferring actions to Arbitrator.

**11.** Costs awarded by the Official Arbitrator shall be taxed by one of the taxing officers of the Supreme Court, and shall be taxed upon such scale and be payable to such parties as may be determined by the Official Arbitrator. R.S.O. 1927, c. 242, s. 11. How costs to be taxed.

**12.—(1)** The Official Arbitrator shall be entitled to be paid for his services while sitting upon any arbitration at the rate of \$30 per day, or a proportionate part thereof where a sittings upon any one day occupies less than a whole day, Fees.

and for a meeting, at which the reference is not proceeded with but a postponement is made at the request of any party, \$10. R.S.O. 1927, c. 242, s. 12 (1); 1928, c. 40, s. 3.

By whom payable.

(2) One-half of such fees shall be payable by each of the parties to the reference if only two parties are interested, and proportionately by all parties interested if a larger number than two are so interested; but the Official Arbitrator shall have power to award that any sum so paid or payable may be recoverable by any one or more of the parties from any other or others of them, and such fees shall be recoverable as any other costs of the arbitration.

Recovery of fees.

(3) If the award is not taken up within thirty days after service upon the parties of the notice of filing thereof, the fees and expenses of the Official Arbitrator shall be recoverable by action from any one or more of the parties to the arbitration.

Idem.

(4) Nothing herein shall prejudicially affect the right of the Official Arbitrator to recover his fees or expenses in any way in which they may now be recovered. R.S.O. 1927, c. 242, s. 12 (2-4).

Appointment of assessor.

**13.**—(1) The Lieutenant-Governor in Council may appoint for such municipality an assessor of sound judgment, experience and knowledge in and as to matters relating to real property within the municipality to sit with the Official Arbitrator,—

In what cases to be called in.

(2) The assessor shall be called upon by the Official Arbitrator,—

(a) upon the request of all the parties to an arbitration, and at any stage of the proceedings; or

(b) where the Official Arbitrator desires his advice and assistance, and no party to the proceedings objects thereto, at the time he is so called upon.

Function of assessor.

(3) The assessor shall not make or join in the award, but shall otherwise give the Official Arbitrator such assistance as he may require.

Assessor's fee.

(4) The assessor shall be entitled for his services while sitting on an arbitration to be paid at the rate of \$10 per day, or a proportionate part thereof where a sitting on any one day occupies less than a whole day, and for a meeting where the reference is not proceeded with but a postponement is made at the request of any party, \$2.

How payable.

(5) The fees of the assessor shall be payable by the same parties and in the same proportion and manner and shall be recoverable in the same way as those of the arbitrator, and



shall be treated in all respects in the same manner as the fees of the arbitrator as to the ultimate payment thereof and as to the manner of such payment. R.S.O. 1927, c. 242, s. 13.

**14.** The judges of the Supreme Court shall have the same <sup>Power to make rules</sup> power to make rules with respect to matters and proceedings <sup>and tariff.</sup> under this Act and tariffs of fees as they have in respect to <sup>Rev. Stat.,</sup> proceedings under *The Judicature Act*. R.S.O. 1927, c. 242, <sup>c. 100.</sup> s. 14.

**15.**—(1) This Act shall extend and apply to the County of <sup>Application</sup> York and to the Township of York, and to any municipality <sup>of Act.</sup> the council of which by by-law declares that it is desirable that the municipality shall be brought within the provisions of this Act, and in such case this Act shall be read as though it had been expressly applied to such municipality by the terms thereof.

(2) Where the council of any such municipality has by <sup>Appointment</sup> by-law so declared, or shall hereafter so declare, an official <sup>in such</sup> arbitrator may be appointed for such municipality by the Lieutenant-Governor in Council, and he shall have and may exercise within such municipality all the powers conferred upon the Official Arbitrator by this Act.

(3) The council of a municipality which has passed a by- <sup>Repeal</sup> law under subsection 1 may repeal it at any time after the <sup>of by-law</sup> expiration of six months from the passing of the by-law, and <sup>bringing Act</sup> upon such repeal this Act shall cease to apply or be in force <sup>into force.</sup> in such municipality. R.S.O. 1927, c. 242, s. 15.

## CHAPTER 281.

## The Firemen's Exemption Act.

When fire-  
men to be  
exempted  
from serving  
as jurors and  
in certain  
other offices.

**1.** Whenever any company of firemen has been regularly enrolled in any city, town or place, with the approval of the council of the municipality, the council shall direct the clerk to grant to each member of such company a certificate that he is enrolled in the same, which certificate shall exempt the person named therein, during the period of his enrolment and his continuance in actual duty, from serving as a juryman or a constable and in any municipal office. R.S.O. 1927, c. 244, s. 1.

Forfeiting  
exemption  
in case of  
misconduct.

**2.** Upon complaint to the council of neglect of duty by any member of such fire company the council shall examine into the same and for any such cause, and also in case any member of such company is convicted of a breach of any of the rules legally made for the regulation of the same, may strike off the name of any such member from the list of the company and thenceforward the certificate granted to such member shall have no effect in exempting him from any duty or service. R.S.O. 1927, c. 244, s. 2.

Firemen  
having  
served seven  
years  
exempted  
from serving  
in certain  
offices.

**3.**—(1) Where any member of any company of firemen has regularly and faithfully served for seven consecutive years in the same he shall be entitled to receive, upon producing due proof of such service, a certificate from the clerk that he has been regularly enrolled and has served as a member of the fire company for the space of seven years.

Idem.

(2) Such certificate shall exempt the person named therein from serving as a constable and in any municipal office. R.S.O. 1927, c. 244, s. 3.

Powers of a  
city council  
as to further  
exemption.

**4.**—(1) The council of a city may by by-law enact that when a member of a company of firemen regularly enrolled in such city has regularly and faithfully served in such company for seven consecutive years, such member, upon producing due proof of such service, shall receive a certificate from the clerk that he has been regularly enrolled and has served as a member of the company for the space of seven years.

Certificate  
to that  
effect.

Effect of  
certificate.

(2) Such certificate shall exempt the person named therein from the payment of any personal statute labour tax there-

after and from serving as a juror on the trial of any cause in any court. R.S.O. 1927, c. 244, s. 4.

(NOTE.—*As to exemption of firemen from jury service, see The Jurors Act, Rev. Stat. c. 108, s. 3, and as to exemption from municipal offices, see The Municipal Act. Rev. Stat. ch. 266, s. 55.*)

## CHAPTER 282.

## The Fire Departments Act.

Two  
platoon  
system.

**1.** Where in any city or town having a population of not less than 10,000 there is a permanent fire department, the officers and employees of which are regularly employed as firemen and paid by the municipal corporation, it shall be the duty of the chief, superintendent or commission, as the case may be, to divide the members of said fire department into two platoons who shall work according to one or other of the two following systems, namely,—

No. 1 System—The said chief of the fire department shall not keep a platoon on duty for more than twenty-four consecutive hours, after which the platoon working the twenty-four hours shall be allowed twenty-four consecutive hours off duty.

No. 2 System—One platoon shall work day work of ten consecutive hours, while the other platoon works night work of fourteen consecutive hours, each platoon to alternate every seventh day from night to day work and *vice versa*. R.S.O. 1927, c. 245, s. 1.

Act not  
to affect  
salaries or  
holidays of  
employees.

**2.** No deduction shall be made from the pay or the holidays of the employees of a permanent fire department by reason of the provisions of this Act. R.S.O. 1927, c. 245, s. 2.

Weekly  
day off  
duty.

**3.** Where in any city, town or village there is a permanent fire department, the officers and employees of which are regularly employed and paid by the municipal corporation, every officer and employee of such department shall be off duty for one full day of twenty-four hours in every calendar week, but where what is known as “double platoon system” is in operation in any such fire department the twenty-four hours release at the change of platoons shall not be regarded as a day off duty for the purposes of this section. R.S.O. 1927, c. 245, s. 3.

Act to  
prevail over  
municipal  
regulations.

**4.** The provisions of this Act shall have effect notwithstanding any regulation or by-law of a municipal corporation relating to a fire department. R.S.O. 1927, c. 245, s. 4.

Penalties.

**5.** Every fire chief, superintendent, director or officer of every such fire department who requires or requests an employee of the department to be on duty in violation of the provisions of this Act shall incur a penalty of not less than \$10 nor more than \$100. R.S.O. 1927, c. 245, s. 5.



## CHAPTER 283.

## The Public Libraries Act.

## 1. In this Act,—

Interpreta-  
tion.

- (a) "Board" in Part I shall mean a public library board, "Board."  
in Part II shall mean a board of management of a  
public library association, and in Part III shall in-  
clude both;
- (b) "Branch library" shall mean a library maintained "Branch  
as a subsidiary agency and in the same municipality library."  
as a public library;
- (c) "Library" shall mean a collection of books which "Library."  
may comprise periodicals, magazines and other  
printed works for circulation or reference and shall  
include branch libraries, reading rooms, museums,  
printing and binding bureaux and plants which may  
be established or used in connection with a library;
- (d) "Minister" shall mean Minister of Education; "Minister."
- (e) "Regulations" shall mean regulations made under the "Regula-  
authority of this Act or *The Department of Educa- tions.*  
*tion Act*. R.S.O. 1927, c. 246, s. 1. Rev. Stat.  
c. 356.

## PART I.

*Application of Part.*

2. The provisions of this Part shall apply to every free Application  
public library maintained in whole or in part by municipal of Part I  
taxation and established under the provisions of this Part or to free  
under the provisions of any Act for which this Part is sub- public  
stituted. R.S.O. 1927, c. 246, s. 2. libraries.

*Establishment of Free Public Libraries.*

3. A public library may be established in a city, town, Where  
village, police village, township, or school section under the library  
conditions and in the manner hereinafter provided. R.S.O. may be  
1927, c. 246, s. 3. established.

*Cities, Towns and Villages.*

Petition  
for estab-  
lishment of  
library in  
city, town  
or village.

Rev. Stat.  
c. 266.

4. The council of a city, town or village may, and upon the receipt of a petition (Form 1) signed, in the case of a city or town by at least sixty, and in the case of a village by at least thirty municipal electors, shall prepare and submit to the electors in the manner provided by *The Municipal Act*, a by-law (Form 2), for the establishment of a public library. R.S.O. 1927, c. 246, s. 4.

*Townships.*

In township.

5.—(1) The municipal council of a township may and upon receipt of a petition (Form 1) signed by at least sixty municipal electors exclusive of those resident within a police village that is not situate wholly in the township, shall prepare and submit to the electors of the township exclusive of those resident within a police village that is not situate wholly in the township, in the manner provided by *The Municipal Act*, a by-law (Form 2) for the establishment of a public library.

Rev. Stat.  
c. 266.

Police  
village  
when not  
included.

(2) No part of any police village situate in more than one township shall be subject to taxation for any public library established for a township.

When  
included.

(3) Where a township contains a police village or police villages, every such police village shall be considered as part of the township for the purpose of establishing a public library under this Part, and any public library established by a police village situate in a township shall, upon the establishment of a township public library, become part of such library, but the property of the police village library shall not be removed from the police village. R.S.O. 1927, c. 246, s. 5.

*Police Villages.*

In police  
villages.

6. The municipal council of a township or the municipal councils of townships in which a police village is situate, upon receipt of a petition (Form 1), signed by at least thirty voters resident in the police village, shall prepare and submit to the electors in the police village in the manner provided by *The Municipal Act*, a by-law (Form 2) for the establishment of a public library therein. R.S.O. 1927, c. 246, s. 6.

Rev. Stat.  
c. 266.

*Duty of Council as to passing By-law.*

When  
council  
to pass  
by-law.

7.—(1) Where a by-law submitted to the electors under this Part receives the assent of a majority of the electors voting thereon, it shall be the duty of the council, or in the

case of a police village situate in more than one township, it shall be the duty of the councils of the townships to pass such by-law without unnecessary delay, and it shall be the duty of the head of every council and of the clerk, to sign such by-law.

(2) The clerk of the municipality or the clerks of each of the municipalities in which a by-law has been voted upon by the electors and has received the assent of the electors, shall forthwith give notice to the Minister in writing of the number of votes for, and the number of votes against, the by-law in the municipality of which he is clerk. Notice of vote to be given to Minister.

(3) Where the by-law does not receive the assent of the electors no new by-law for the same purpose shall be submitted to the electors in the same calendar year. When by-law defeated. R.S.O. 1927, c. 246, s. 7.

### *School Sections.*

8.—(1) A public library may be established in any rural school section or in a union school section. Establishment in school section.

(2) The petition for the establishment of a public library in a school section shall be in a form to be supplied by the Minister (Form 3) and shall be signed by a majority of the public and separate school supporters in the section, and upon filing the petition with an affidavit of the due execution thereof with the clerk of the township or the clerks of the townships in which such section or union school section is situate, or where the section or union school section is situate in unorganized territory with the school trustees of the section, the township clerk or township clerks, or the secretary of the school trustees as the case may be, shall examine the same, and if it is found that the petition contains the names of a majority of the public and separate school supporters in the section or union section, shall give notice in writing to the public school trustees and to the separate school trustees, if any, in the school section or union section of the filing of the petition. Petition.

(3) Upon receipt of such notice it shall be the duty of the trustees to make appointments to the board of the public library as hereinafter provided. Appointment to board.

(4) The clerk or secretary, as the case may be, shall forthwith give notice in writing to the Minister of the filing of the petition. Notice to Minister.

Disestab-  
lishment of  
public  
library in  
school  
section.

(5) A public library established in a school section or in a union school section shall become disestablished,—

- (a) when the township or one of the townships in which it is situate establishes a public library in which case the library established by the school section, if in a school section wholly situate in the township, shall become part of the township library, and if only partly situate therein the assets of the school section library may be distributed as the Minister may direct;
- (b) when a petition demanding the disestablishment of a public library is signed by a majority of the public and separate school supporters of the school section or union school section and is filed with an affidavit of the due execution thereof with the clerk of the township or with the clerk of each of the townships in which the section or union section is situate, or in case of a union section not situate in an organized township, with the secretary of the school trustees of the section, it shall be the duty of the clerk, or of each of the clerks, or of the secretary, as the case may be, to give notice in writing to the Minister of the disestablishment of the library. R.S.O. 1927, c. 246, s. 8.

*Taking over Assets of Library Associations.*

Transfer of  
assets of  
library asso-  
ciation or  
mechanics'  
institute  
to board.

**9.** A library association established under Part II of this Act or under any former Act relating to mechanics' institutes or library associations, may by resolution passed at an annual meeting of the association or at a meeting specially called for the purpose, declare its desire that the library of the association be transferred to a public library board appointed in the manner provided by this Part, and thereupon a public library board may be appointed and the assets and property of the association may be transferred to it and the necessary by-laws may be passed for that purpose and for the establishment of the library as a public library under this Part, but it shall not be necessary to submit such by-law to the electors. R.S.O. 1927, c. 246, s. 9.

*Union Boards for Public Library Purposes.*

Agreements  
for united  
action  
by boards.

**10.**—(1) Subject to the regulations and to the approval of the Minister, the boards of two or more public libraries, with the consent of the municipal councils by which such boards were established, may enter into agreements for the



establishment of a union library with or without branches and with or without distributing stations in one or more places agreed upon by the boards.

(2) The agreement shall specify the proportion of the cost <sup>Terms of agreement.</sup> of the establishment and maintenance of the union public library to be borne and paid by each of the boards or shall provide for the manner in which such proportion shall be determined, and shall further provide for the manner in which the assets of the union library shall be divided or disposed of in case of a dissolution of the board. R.S.O. 1927, c. 246, s. 10.

*Contracts with Board for Library Service.*

**11.** Subject to the regulations and the approval of the <sup>Agreement for inter-change of library service.</sup> Minister and with the consent of the councils by which the boards were established, any two boards may enter into an agreement by which one of them shall receive library service from the other for part or all of the municipality, police village or school section as the case may be, but the board receiving such service shall not be entitled to representation on the board by which such service is rendered. R.S.O. 1927, c. 246, s. 11.

**12.** Subject to the regulations and to the approval of the <sup>Agreements for securing public library services.</sup> Minister, any county library association or any municipality, police village or school section for which a public library has not been established, may enter into an agreement with a public library board for securing public library services. R.S.O. 1927, c. 246, s. 12; 1936, c. 55, s. 19.

*Public Library Boards.*

**13.** The general management, regulation and control of the <sup>Public library board.</sup> library shall be vested in a board which shall be a body corporate by the name of "The <sup>Public Library</sup> Board" (*inserting the name of the municipality, police village or school section, as the case may be*). R.S.O. 1927, c. 246, s. 13.

**14.** Except as otherwise provided by this Act no person <sup>Necessary qualifications for board.</sup> who is a member of any one of the bodies entitled to appoint shall be qualified to be a member of the board and no person shall be appointed a member of the board who is not a British subject or who is less than twenty-one years of age, or is not a resident of the municipality, police village or school section. R.S.O. 1927, c. 246, s. 14; 1936, c. 55, s. 20; 1937, c. 68, s. 28.

*Appointments in Cities, Towns and Villages.*

Mode of  
appointment  
in cities,  
towns and  
villages.

**15.**—(1) The board in a city, town or village shall be composed of the mayor in the city or town, or the reeve of a village and three members to be appointed by the council, three to be appointed by the public school board or board of education qualified to deal with public school affairs in the municipality and two by the separate school board, if any.

Term of  
office of  
first  
members.

(2) Of the three members first appointed by the council and public school board, or board of education respectively, one shall be appointed to hold office until the 1st day of February after his appointment, one until the 1st day of February of the following year, and one until the same day in the year next thereafter, and of the two members first appointed by the separate school board, one shall be appointed to hold office until the 1st day of February after his appointment, and one until the 1st day of February in the following year; but every member shall continue to hold office until his successor is appointed.

Of subse-  
quent mem-  
bers.

(3) Subject to the foregoing provisions, each of the members appointed by the council, or public school board, or board of education, shall hold office for three years from the 1st day of February in the year in which he is appointed, and each of the members appointed by the separate school board, for two years from the 1st day of February in the year in which he is appointed. R.S.O. 1927, c. 246, s. 15.

*Appointments in Police Villages.*

In police  
villages.

**16.**—(1) The board in a police village shall be composed of the chairman of the board of police trustees, and two persons appointed by the police trustees, two persons appointed by the board of the school section or each of the school sections comprised in, or forming part of the police village, and two persons appointed by the separate school board, if any, having jurisdiction in the police village.

Term of  
office of  
first  
members.

(2) Of the members first appointed by the police trustees and public school board or boards and the separate school board, if any, respectively, one shall be appointed to hold office until the 1st day of February after his appointment, and one until the 1st day of February in the following year, but every member shall continue to hold office until his successor is appointed.

Of subse-  
quent  
members.

(3) Subject to the foregoing provisions, each of the members appointed to the board in a police village shall hold office

for two years from the 1st day of February, in the year in which he is appointed. R.S.O. 1927, c. 246, s. 16.

*Appointments in Townships.*

**17.** The board in a township shall be composed of the reeve of the township and four members appointed by the township council, one of whom shall be a separate school supporter if there is a separate school in the township, and the appointments shall be made annually, but every member shall continue to hold office until his successor is appointed. R.S.O. 1927, c. 246, s. 17.

*Appointments in School Sections.*

**18.** The board in a school section shall be composed of five persons, all of whom shall be appointed by the public school trustees where there is no separate school and where there is a separate school three members shall be appointed by the public school trustees and two members by the separate school trustees, and the appointments shall be made annually. R.S.O. 1927, c. 246, s. 18.

*How a Board of a Union Library shall be Composed.*

**19.** The board of a union of public libraries shall be composed of the boards of the public libraries forming the union and the two or more boards shall organize as one board. R.S.O. 1927, c. 246, s. 19.

*Time for Appointments.*

**20.** The first appointment of members shall be made at the first meeting of the appointing body, after the final passing of the by-law, and in the case of a school section, after the filing of the petition, and the annual appointments thereafter shall be made at the first meeting of the appointing body, after the 1st day of January in each year, and any vacancy arising from any cause, other than the expiration of the time for which a member was appointed, shall be filled at the first meeting thereafter of the appointing body, but if for any reason an appointment is not made at the prescribed time, the same shall be made as soon as may be thereafter. R.S.O. 1927, c. 246, s. 20.

*Vacancies and Disqualification.*

**21.**—(1) In case of a vacancy by death or resignation of a member, or from any cause other than the expiration of the

term for which he was appointed, the member appointed in his place shall hold office for the remainder of the term.

Vacancies  
by disquali-  
fication.

(2) If a member of the board is convicted of any offence against the criminal laws of Canada, or becomes mentally ill, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the municipality or police village, he shall *ipso facto* vacate his seat, and the remaining members shall forthwith declare his seat vacant and notify the appointing body accordingly. R.S.O. 1927, c. 246, s. 21.

Members  
of board  
not to be  
parties to  
contracts,  
etc.

**22.**—(1) A member of a board shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty, on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a member violating the provisions of this section shall *ipso facto* vacate his seat.

Proceeding  
to vacate  
seat.

(2) On the complaint of any ratepayer of the municipality or police village or school section, or of the remaining member or members of the board, the judge of the county or district court or if he is a member of the board, the master in chambers shall, on proof of the facts declare the seat vacant, and the secretary of the board shall forthwith notify the appointing body to make a new appointment. R.S.O. 1927, c. 246, s. 22.

Saving  
as to  
newspaper  
proprietors,  
etc.

**23.** No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of being proprietor of or otherwise interested in a newspaper or other periodical publication which is subscribed for or in which an advertisement is inserted by the board in the regular course of business, if such subscription or advertisement is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1927, c. 246, s. 23.

#### *Organization, Meetings and Records of the Board.*

Chairman.

**24.**—(1) The board shall at the first meeting in each year elect one of its number as chairman, who shall hold office for



one year and may be re-elected, and he shall preside at meetings of the board when present, and in his absence a chairman may be chosen *pro tempore*. R.S.O. 1927, c. 246, s. 24 (1); 1936, c. 55, s. 21; 1937, c. 68, s. 29.

(2) The chairman shall have the same right of voting as the other members of the board, and no other, and any question upon which there is an equality of votes shall be deemed to be negatived. R.S.O. 1927, c. 246, s. 24 (2). <sup>Right to vote.</sup>

**25.**—(1) The board shall hold regular meetings at least once in every month from February to June inclusive and from September to January inclusive and at such other times as it may think fit, provided that in a municipality having a population of less than 2,000 the board may hold its regular meetings in alternate months only. R.S.O. 1927, c. 246, s. 25 (1); 1936, c. 55, s. 22. <sup>Regular meetings.</sup>

(2) The chairman or any two members may summon a special meeting of the board by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called. <sup>Special meetings.</sup>

(3) The presence of a majority of all the members constituting a board shall be necessary for the transaction of business at any general or special meeting. <sup>Quorum.</sup>

(4) All orders and proceedings of the board shall be entered in books to be kept for that purpose and after confirmation by the board shall be signed by the chairman. <sup>Records of board.</sup>

(5) The orders and proceedings so entered and purporting to be so signed, shall be deemed to be the originals thereof, and such books may be produced and read as evidence of the orders and proceedings in any judicial proceedings. R.S.O. 1927, c. 246, s. 25 (2-5). <sup>Evidence of records.</sup>

**26.**—(1) The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities and the accounts shall be audited by the municipal auditors in like manner as the accounts of a municipality, and shall after having been audited be laid before the council by the board. <sup>Accounts and audit.</sup>

(2) All books and records shall be open to the inspection of the Minister or to any person appointed to act on his behalf. R.S.O. 1927, c. 246, s. 26. <sup>Inspection of books by Minister.</sup>

**27.** Subject to the regulations an annual report shall be transmitted to the Minister for each library on forms supplied for the purpose. R.S.O. 1927, c. 246, s. 27. <sup>Annual report.</sup>

*Limitation on Capital Expenditure from Current Revenue.*

Limit of  
amount of  
expenditure  
on capital  
account.

**28.** A board shall not in any year purchase any land or erect any buildings or make any addition or alterations thereto and pay the cost thereof from current revenue without the authority of the municipal council if the cost exceeds a sum equal to one-fifth of the amount to which the board is entitled as a public library rate for the year. R.S.O. 1927, c. 246, s. 28.

*Purchase and Ownership of Property.*

Powers of  
board as to  
acquiring  
and holding  
property.

**29.**—(1) Subject to the restrictions and provisions herein-after contained, the board shall have power to acquire by purchase, expropriation, lease or otherwise, all lands required for library and branch library purposes, and to erect, lease or otherwise procure the necessary buildings therefor, and hold, maintain and repair the same, and shall have power, with the consent of the municipal council, to sell, exchange or otherwise dispose of any lands or buildings which may no longer be required for such purposes. R.S.O. 1927, c. 246, s. 29.

Compensa-  
tion for ex-  
propriated  
land.

Rev. Stat.,  
c. 266.

(2) The provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation shall *mutatis mutandis* apply to the public library board, and to the exercise by it of the powers conferred by this section, and where any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the secretary of the board, or at his office, as the case may be. 1929, c. 66, s. 1.

*Branches, Distributing Stations,—Certain Special Features.*

Establish-  
ment of  
branch  
libraries.

**30.** A board may establish and maintain one or more branch libraries, distributing stations, reading rooms, art galleries, museums, or any of them, in connection with the library, and may also establish, operate and maintain printing and binding bureaux, or any shop or plant for producing anything required for the library or its grounds. R.S.O. 1927, c. 246, s. 30.

*Purchase of Books, etc.*

Duty of  
board as to  
equipment  
of library.

**31.** The board shall purchase books and may purchase newspapers, periodicals, magazines and other printed matter, maps, pictures and specimens illustrative of literature, arts and the sciences, and apparatus and facilities for illustrating by lantern or moving picture, and all other things required

for the library, and shall do all things necessary for keeping the same in a proper state of preservation and repair, and shall provide the necessary fuel, lighting and other accommodations. R.S.O. 1927, c. 246, s. 31.

*Appointment of Officers.*

**32.** Subject to the regulations the board shall appoint a librarian, a secretary and a treasurer, and may appoint such other officers and servants as may be required, but one person may be appointed to any two or more offices; all officers and servants shall hold office during the pleasure of the board. R.S.O. 1927, c. 246, s. 32.

Appoint-  
ments—  
librarian,  
secretary,  
etc.

**33.—**(1) The board of any public library established under this Part may, subject to approval of the municipal council, pay to any employee retiring by reason of advanced age, ill-health or other disability such gratuity or retiring allowance as the board may think proper, but such gratuity or retiring allowance shall not exceed the aggregate of the salary or other remuneration of such employee for the last three years of his service.

Gratuities to  
employees on  
retirement.

(2) The board of a public library in a city of more than 50,000 inhabitants may establish a fund for providing pensions or life insurance or both in the interest of the employees of the board with or without requiring contributions from such employees and may make from time to time such payments as may be necessary for the establishment and maintenance of such fund, but such fund shall not be established until the council of the city has by by-law approved of the proposed action of the board. R.S.O. 1927, c. 246, s. 33.

Super-  
annuation  
and insur-  
ance funds  
in cities of  
over 50,000.

*Rules.*

**34.—**(1) Subject to the regulations the board may make rules for the use of the library, reading rooms and museums, and for the admission of the public thereto, and for regulating all other matters and things connected with the management of the library, reading rooms and of all property under its control, and may impose penalties for breaches of the rules, not exceeding \$10 for any offence.

Rules.

(2) Such rules shall be binding on all persons concerned after they have been published once a week for at least two weeks in a newspaper published in the municipality or police village and if no newspaper is published therein, they shall be posted in a conspicuous place within the library, and the

Promulga-  
tion of  
rules.

board shall have for distribution printed copies of the rules, or keep permanently posted the rules in written or printed form in a conspicuous place in the library. R.S.O. 1927, c. 246, s. 34.

*Recovery of Value of Articles.*

Right to  
damages.

**35.** Nothing herein shall preclude the recovery of the value of articles or things damaged, or the amount of damage sustained from persons liable for the same. R.S.O. 1927, c. 246, s. 35.

*Right to Close Library.*

Closing  
library for  
limited  
period.

**36.** Subject to the regulations the Minister upon the application of the board may authorize the board to close the library for a limited number of days when in the opinion of the board such closing is necessary or expedient and if authorized by the regulations the board may close the library for a period not exceeding two successive weeks at any time during the period between the 1st day of June and the 31st day of August in each or any year. R.S.O. 1927, c. 246, s. 36; 1936, c. 55, s. 23.

*Building may be Used for Special Purposes.*

Permitting  
use of  
building.

**37.** A board may permit any part of its library buildings to be used for lectures or meetings to be held for patriotic, charitable or educational purposes, but nothing in this section shall be construed to mean that a board may furnish free light and heat to any municipal body that may occupy a room or rooms in the library or to any other tenant. R.S.O. 1927, c. 246, s. 37.

*Submission of Estimates.*

Estimates,  
what to  
include.

**38.** The board shall submit to the municipal council or councils, and in the case of a school section not situate in an organized township, to the trustees of the school section, on or before the 1st day of March in each year a detailed estimate of the several sums required for the ensuing financial year to pay,—

- (a) the interest on any money borrowed, as hereinafter mentioned;
- (b) the amount required to be raised for the sinking fund, or to pay any instalment of principal and interest; and



- (c) the expense of maintaining and managing the libraries, reading rooms, museums, evening classes and art schools under its control. R.S.O. 1927, c. 246, s. 38.

*Public Library Rate.*

**39.**—(1) The municipal council of a city, town, village or township, the council of the township or the councils of the townships in which a police village or school section is situate, or the trustees of a school section if the section is not situate in an organized township, in addition to all other rates and assessments levied and assessed shall levy and assess in each year a special rate to be called the "Public Library Rate" sufficient to provide the amount estimated by the board as hereinafore provided, but such rate shall not exceed a rate in the dollar of taxable assessment that will yield more than fifty cents per capita of population of the municipality, police village or school section, as shown in the latest revised assessment roll, but by a vote of a majority of the council or board present and voting thereon, such rate may be increased to an amount to yield not more than \$1 per capita of the population. R.S.O. 1927, c. 246, s. 39 (1); 1929, c. 66, s. 2 (1).

(2) Notwithstanding anything in this section the council of any municipality that prior to the 1st day of January, 1917, in any way whatsoever entered into any contract with any person, persons or corporation to expend annually not less than a stated sum for public library maintenance, by reason of receiving a gift, may levy and assess each year a public library rate sufficient to provide a sum to carry out the terms of the contract entered into. R.S.O. 1927, c. 246, s. 39 (2).

*Borrowing on Debentures.*

**40.**—(1) Where a board requires the council to raise money for the purpose of acquiring a site, or purchasing, erecting or remodelling necessary buildings, and, in the first instance, for obtaining books and other things required for the library, the council may, on the requisition of the board, raise such money by a special issue of debentures of the municipality, to be termed "Public Library Debentures" provided that the annual amount required for debt charges on the debentures with the annual debt charges for existing debentures does not exceed one-fourth of the public library rate claimable by the board for the year in which the requisition is made, and in the event of a council refusing to raise such sum by debentures, and if the board so requires, the question shall be submitted by the council to a vote of the electors of the muni-

Annual  
rate.

Power to  
carry out  
in agreements  
to spend  
stated  
annual  
sum.

When  
council  
may issue  
debentures  
on requisition  
of  
board.

Rev. Stat.  
c. 266.

city entitled to vote on by-laws for the creation of debts in the manner provided by *The Municipal Act* and in the event of the assent of the electors being obtained, it shall be the duty of the council to pass a by-law for raising the amount in the manner provided by that Act but it shall not be necessary to submit such by-law to a vote of the electors.

Power to  
issue de-  
bentures  
without  
requisition.

(2) Notwithstanding anything hereinbefore provided in this Act, a municipal corporation may issue debentures for the purposes of this Act according to the provisions of *The Municipal Act*.

Provision  
for pay-  
ment out  
of annual  
rate.

(3) During the currency of the debentures issued, the council shall withhold and retain, as a first charge on the annual rate the amount required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon.

How moneys  
raised to be  
dealt with.

(4) All moneys levied or raised shall be received by the treasurer of the municipality in the same manner as other municipal funds, and be paid out by him on the orders of the board, save as to the amount required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon. R.S.O. 1927, c. 246, s. 40.

### *Gifts.*

Grants  
from  
municipal  
councils.

**41.** The council of any municipality may at any time make a grant in money or lands or buildings to a board for public library purposes. R.S.O. 1927, c. 246, s. 41.

(NOTE.—As to power of public library board to receive gifts, devises or bequests, see *The Mortmain and Charitable Uses Act*, Rev. Stat. c. 147, s. 13.)

### *Libraries to be Free.*

No charge  
to be made  
except to  
non-  
residents.

**42.** All libraries established under this Part shall be open to the public free of charge provided, however, that the board may impose such fee as seems proper on non-residents who may desire to use the library. R.S.O. 1927, c. 246, s. 42.

### *Free Access to Books.*

Public  
to be  
admitted  
freely.

**43.** The board shall permit the public to have free access to the circulating and reference books of the library but the board may, with the approval of the Minister, prohibit free access to any particular section of the library or to any class of books. R.S.O. 1927, c. 246, s. 43.

*Age Limit Not Permitted.*

**44.** No board shall make a rule for the establishment of an age limit for children who may receive library service. R.S.O. 1927, c. 246, s. 44. Children not to be excluded.

*Agreement for Service to Non-Residents.*

**45.** The teachers' institute of any inspectorate in which a public library is situate may place the books held by such institute in any public library subject to the approval of the board, and in such cases every member of such teachers' institute shall be entitled to use the public library on the same terms as residents of the municipality in which the library is situate. R.S.O. 1927, c. 246, s. 45. Use of public library by teachers' institute.

**46.** Every farmers' institute or women's institute may affiliate with any public library on terms to be agreed upon with the board, and in the event of such affiliation every member of such farmers' institute or women's institute shall be entitled to use the library on the same terms as residents of the municipality in which the library is situate. R.S.O. 1927, c. 246, s. 46. Affiliation of farmers' institute or women's institute.

*Public Libraries Heretofore Established are Continued.*

**47.** Every public library heretofore established or continued as a free public library under any Act respecting public libraries is continued and shall be subject to the provisions of Part I and Part III of this Act. R.S.O. 1927, c. 246, s. 47. Public libraries continued.

## PART II.

## PUBLIC LIBRARY ASSOCIATIONS.

*Establishment.*

**48.** A public library association may be incorporated in the manner hereinafter provided, for the purpose of establishing a public library in any community situated in a municipality or school section that has no public library established under Part I of this Act. R.S.O. 1927, c. 246, s. 48. Incorporation of association.

**49.** Ten or more persons, being British subjects and not less than twenty-one years of age, may form an association for establishing a public library by making a declaration in duplicate on forms obtained from the Minister, and filing one copy with an affidavit of the due execution thereof in the office Declaration—registration and notice to Minister.

of the registrar of deeds for the registry division in which the public library is to be situated, and transmitting to the Minister one copy, with affidavit, and bearing the certificate of registration. R.S.O. 1927, c. 246, s. 49.

Fee of  
registrar.

**50.** For the filing of the declaration and for every certified copy the registrar shall be entitled to a fee of fifty cents. R.S.O. 1927, c. 246, s. 50.

Corporate  
name.

**51.** The persons whose names are subscribed to the declaration, while they remain members, and all persons not under twenty-one years of age who become members of the association and while they remain so, shall be a body corporate to be known as "The Public Library Association" inserting the name of the unincorporated settlement, the village, the town, or the city as the case may be, in which the library is to be established but the name of a township or county may not be used and any name chosen shall be subject to the approval of the Minister. R.S.O. 1927, c. 246, s. 51.

Not to  
establish  
branch  
libraries.

**52.** A library association may not establish a branch library, but, subject to the approval of the Minister, may establish one or more distributing stations. R.S.O. 1927, c. 246, s. 52.

#### *Membership.*

Who may  
be members.

**53.** The membership shall be composed of individuals and not families or other groups of persons, and a register of the membership shall be kept showing the names of the persons, the dates of joining or of renewal of membership, and of expiration of membership, and records of fees paid, and in the register it shall be indicated which persons are twenty-one years of age or over. R.S.O. 1927, c. 246, s. 53.

Persons  
under age.

**54.** Any person, regardless of age, may become a member of the association, and all persons over fifteen years of age shall be granted membership on the payment of a uniform fee, but a special uniform fee may be fixed for children under fifteen years of age. R.S.O. 1927, c. 246, s. 54.

Vote.

**55.** No person shall vote or shall be elected as a member of the board who is not a British subject of the full age of twenty-one years. R.S.O. 1927, c. 246, s. 55.

Patrons.

**56.** Where any persons are granted free use of the library, such persons shall be considered as patrons and not as members of the association. R.S.O. 1927, c. 246, s. 56.



**57.** If from any source the association receives payment for free use of the library or for reduced fees for certain persons, the said persons shall be considered as patrons and not members of the association. R.S.O. 1927, c. 246, s. 57. Patrons on special terms.

*Board of Management.*

**58.** The general management, regulation and control of the library shall be vested in and exercised by a board of management, which shall be composed of not less than five nor more than nine persons. R.S.O. 1927, c. 246, s. 58. Board of management—how composed.

**59.** The persons whose names are subscribed to the declaration of incorporation shall meet within thirty days after the filing thereof and shall elect from among their number the members of the board. R.S.O. 1927, c. 246, s. 59. First election.

**60.** The members so elected shall hold office until their successors are elected. R.S.O. 1927, c. 246, s. 60. Term of office.

**61.** Three members shall form a quorum for transacting the business of the board. R.S.O. 1927, c. 246, s. 61. Quorum.

**62.** On the third Monday in January in each year thereafter the members of the association shall hold their annual meeting and elect the members of the board for the year, and if for any reason it is not found practicable to hold the annual meeting on the third Monday in January the board shall arrange for the association to meet as soon thereafter as possible, giving notice to the members of the change of the date of meeting. R.S.O. 1927, c. 246, s. 62. Annual meeting.

**63.** The board shall, as soon after the election as is convenient, elect one of its members as president, and shall also appoint a secretary, treasurer, and librarian and such other officers as may be necessary for the purposes of the association. R.S.O. 1927, c. 246, s. 63. President, secretary, librarian, etc.

**64.** In the case of a vacancy by death or resignation of a member, or by any cause other than the expiration of the term for which he was appointed, the remaining members of the board shall appoint a member of the association to fill such vacancy, but should the board be reduced to less than four in number, a meeting of the association shall be called for the purpose of filling the vacancies. R.S.O. 1927, c. 246, s. 64. Vacancies.

Members of board not to be interested financially in business of library.

• **65.** A member of the board shall not transact, with the board of which he is a member, any business in which he has a pecuniary interest and a member violating the provisions of this section shall *ipso facto* vacate his seat and every contract or agreement entered into by the board in which any member thereof is so interested shall be null and void, but no person shall be disqualified from being a member of the board by reason only of being interested in a newspaper which is subscribed for or in which an advertisement is inserted by the board if payment is at the usual rates. R.S.O. 1927, c. 246, s. 65.

#### *Notice of Meetings.*

Mode of giving notice of meetings.

**66.** Notice of any meeting of the association may be given by mailing a letter or postal card at least three days before the date set for such meeting to each member of the association, or by posting a notice in the library and in a prominent place not in the library for a period of at least two weeks before the date set for the meeting. R.S.O. 1927, c. 246, s. 66.

#### *Board Shall Provide Accommodation, etc.*

Duties and power of board as to buildings and equipment.

**67.** Subject to the regulations, the board shall provide suitable accommodations for the library, and shall have power to procure, erect or rent buildings for that purpose, and to purchase books, periodicals, newspapers and other reading matter for the library. R.S.O. 1927, c. 246, s. 67.

#### *Rules and Records.*

Rules.

**68.** The board shall make rules for the management and use of the library and reading rooms and for conducting the business of the board, for holding regular and special meetings, for defining the duties of the officers of the board, and the fees to be paid by members, and generally for such other matters, not inconsistent with this Act or with the regulations as may be necessary for promoting the usefulness of the public library. R.S.O. 1927, c. 246, s. 68.

Minutes.

**69.** Minutes of all the proceedings of the board shall be kept and entered in books to be provided for that purpose by the board. R.S.O. 1927, c. 246, s. 69.

Accounts.

**70.** The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities, and the accounts shall be audited for the year before the annual meeting of the association by two members of the association not members

of the board, to be appointed by the chairman of the board.  
R.S.O. 1927, c. 246, s. 70.

**71.** Subject to the regulations, an annual report shall be <sup>Annual report.</sup> transmitted to the Minister on forms supplied for the purpose.  
R.S.O. 1927, c. 246, s. 71.

**72.** All books and records of the library shall be subject to <sup>Inspection.</sup> the inspection of the Minister or anyone appointed for the purpose of inspection by the Minister. R.S.O. 1927, c. 246, s. 72.

### *Dissolution.*

**73.**—(1) The Minister may effect a dissolution of a public <sup>When association may be dissolved.</sup> library association where—

(a) the membership does not include five persons who are of the full age of twenty-one years and five other persons;

(b) no board has been organized for a period of one year.

(2) A public library association shall *ipso facto* become dis- <sup>When to become dissolved ipso facto.</sup> solved where—

(a) a board fails or neglects to keep the library open for one year;

(b) where a board fails to furnish an annual report as required by this Act or by the regulations, for two consecutive years.

(3) After the dissolution of the corporation the Minister <sup>Action by Minister after dissolution.</sup> may take possession of all its books, magazines, and periodicals, and dispose of the same as he may deem proper, but nothing herein contained shall confer any authority or control over any land belonging to a board or library association.  
R.S.O. 1927, c. 246, s. 73.

### *Where Library is Established Under Part I.*

**74.** Where the establishing of a public library under Part <sup>Transfer of assets on establishment of public library under Part I.</sup> I is proposed, the association may, at its annual meeting or at a special meeting to be called for the purpose, by resolution, declare that its assets and property shall be transferred to the public library board after the passing of a by-law under Part I, the board of the association shall transfer the assets and property to the public library board appointed under Part I,

as directed in the resolution of the association, and after such transfer, the association shall be dissolved. R.S.O. 1927, c. 246, s. 74.

Transfer  
of books,  
etc., to  
board on  
dissolution  
of associa-  
tion.

**75.** Where a library or a collection of books exists that was the property of an association which has been dissolved under this Part, and a public library has been established under Part I, the Minister may transfer to the public library board appointed under Part I the books of the former association and may transfer any money received as insurance on books of the former association that were destroyed or damaged by or through fire, and the custodian of the books and magazines or money or both shall transfer the said books or money or both as instructed by the Minister. R.S.O. 1927, c. 246, s. 75.

#### *Associations Continued.*

Present  
libraries  
continued.

**76.** Every public library heretofore established or continued as a public library of a public library association under any Act respecting public libraries or mechanics' institutes is continued, and shall be subject to the provisions of Part II and Part III of this Act. R.S.O. 1927, c. 246, s. 76.

### PART III.

#### GENERAL PROVISIONS.

#### *Provisions for Regulations.*

Regula-  
tions.

**77.** Subject to the provisions of any statute in that behalf, the Minister, with the approval of the Lieutenant-Governor in Council, may make regulations,—

- (a) for the apportionment and distribution of all money appropriated by the Legislature for public libraries, including grants, organization, services, cost of books, expenses and contingencies, library institutes, library schools and travelling libraries, special libraries and library associations;
- (b) for the establishment, organization, management, accommodations, and rules of public libraries;
- (c) for the establishment, organization, management, and courses of instruction of library schools, examinations of students, and for the issuance of certificates to successful students at library schools;



- (d) governing the qualifications of librarians and assistants and library clerks in public libraries;
- (e) for conducting the examinations and practical tests prescribed by the regulations and settling the results thereof;
- (f) for granting temporary, interim, special permanent and renewed certificates of qualification to librarians and assistants;
- (g) for accepting such courses and examinations as the Minister may deem adequate for the academic and professional training of librarians and assistants;
- (h) to suspend or cancel any certificate of qualification granted by the Department;
- (i) for the appointment of an examination board for work in connection with examinations in librarianship and in the general education of candidates wishing to qualify as librarians and assistants, and for prescribing the fees to be paid to members of the examination board, other examiners and presiding officers;
- (j) for the management, use and circulation of the travelling libraries of the Department, and for prescribing the terms upon which they may be obtained by borrowers;
- (k) for the management and organization of library institutes. R.S.O. 1927, c. 246, s. 78.

*Failure to Comply with Regulations.*

**78.** Where a board in any year fails to comply with the regulations, the Minister may withhold the whole or any part of the Government grant payable to the board for that year. Withholding out of grant on default of board.  
R.S.O. 1927, c. 246, s. 79.

*Payments for Grants, Services and Equipment.*

**79.** Subject to the regulations, the Minister may authorize to be paid out of any money appropriated for public libraries, grants, organization, services, cost of books, expenses and contingencies— Payments out of legislative grant—what authorized.

- (a) grants to boards for public libraries and to branch public libraries;

- (b) salaries and expenses of officers of the Department employed in work in the interest of libraries in general, and in giving special instructions to boards and librarians;
- (c) the cost and preparation of books, pamphlets, blue-prints, plans of library buildings and of library equipment, engravings, models, manuscripts, photographs, lantern slides, moving-picture films, phonograph records, library supplies, library equipment, apparatus for demonstrating and illustrating library methods, and of such other apparatus or things for libraries or for promotion, organization and advancement of libraries as the Minister may deem necessary and useful;
- (d) the cost of experimenting in the interest of new and improved library methods, and of purchasing the copyright or copyright privileges of any publication useful in the promotion of librarianship and of libraries;
- (e) the cost of library publicity in the interest of libraries as institutions for popular education, and for the purpose of encouraging the establishing of libraries, including cost of publication, preparation of manuscripts, engravings, and the fees and expenses of speakers;
- (f) the expenses of librarians and other library experts to meet in conference with officials of the Department for the purpose of discussing library affairs, and of any librarian or other library expert to represent the Department at a convention, at a library, or at any place for the promotion of library interests;
- (g) expenses incurred in holding meetings of library institutes;
- (h) the cost of fees and expenses of members of an examining board in connection with examination work and with meetings for the discussion of examinations;
- (i) the cost of storage, packing and shipping of books upon which the Minister holds a claim. R.S.O. 1927, c. 246, s. 80.

*Travelling Libraries.*

Establish-  
ment and  
maintenance  
of travelling  
libraries.

**80.**—(1) Subject to the regulations, the Minister may establish and maintain travelling libraries out of such sums as may be appropriated for that purpose, and may purchase

books, pamphlets, pictures, phonograph records, maps, globes, charts, lantern slides, moving-picture films and lanterns and appliances, objects and specimens for illustrating the arts, sciences and literatures, book-cases and other containers, and library equipment, and may pay for transportation, rent and storage and librarian's service at distributing centres, and for publicity and for cataloguing, classifying and annotating lists of books, and may employ and pay assistants to aid in circulating the libraries and to operate apparatus, demonstrate and lecture, and may pay the travelling expenses of the assistants and of persons appointed to perform librarian's service.

(2) Subject to the regulations, the Minister may extend the use of travelling libraries to schools, colleges, universities, other educational institutions and charitable institutions in the Province, and may procure the necessary requirements and organization to render special service to the schools and other institutions hereinbefore mentioned. R.S.O. 1927, c. 246, s. 81.

Extending  
use of  
travelling  
library  
to certain  
institutions.

### *Bureau of Home Study.*

**81.** Subject to the regulations the Minister may establish a bureau of home study for the benefit of the people of the Province, and may pay the cost thereof from any money voted by this Legislature for public libraries or for travelling libraries, and may pay for,—

Establish-  
ment and  
mainten-  
ance of  
courses of  
home study.

(a) the compilation of reading courses by the specialists;

(b) the compilation and annotation of bibliographies;

(c) written lessons of instruction for study and practice.

R.S.O. 1927, c. 246, s. 82.

### *Library Training Schools.*

**82.** Subject to the regulations, money appropriated for library school purposes may be applied under the direction of the Minister, in providing schools and classes for the training of librarians and assistants, for holding examinations of persons desiring to qualify in librarianship and as assistants in libraries, and providing accommodation for such schools, classes and examinations, for the payment of the fees and expenses of the instructors and examiners, for providing supplies and equipment for such schools, classes and examinations, for the payment of the travelling expenses of students and travelling and board and lodging expenses of students holding positions in small libraries when the Minister deems it

Application  
of appropri-  
ation for  
library  
training  
schools.

necessary or expedient, and for such other purposes in connection with the qualifications of librarians and assistants in libraries and the promotion of their efficiency and usefulness, as the Minister may deem necessary and expedient. R.S.O. 1927, c. 246, s. 83.

*Library Institutes.*

Provision  
for establish-  
ment and  
meetings of  
library  
institutes.

**83.** Subject to the regulations, the Minister may,—

- (a) provide for the establishment of library institutes and for the holding of the meetings thereof ;
- (b) employ library experts to attend library institute meetings and pay their travelling and other necessary expenses in going to, staying at and returning from the meetings, but nothing shall be paid to them for services ;
- (c) pay the travelling and other necessary expenses of one delegate from each board in attending a meeting of the institute. R.S.O. 1927, c. 246, s. 84.

*Janitor May Be Appointed Constable.*

Special  
constable.

**84.** The judge of the county or district court, upon the request of the board of any public library within his jurisdiction, may appoint the janitor to be a special constable whose special duty it shall be to preserve the peace in the rooms of the library and in the building in which the library is situate, and to prevent the stealing, injuring or destroying of the property of the board or association, and to apprehend offenders, and he shall have generally all the powers and privileges and be liable to all the duties and responsibilities which pertain to the office of constable. R.S.O. 1927, c. 246, s. 85.

*Disorderly Conduct Punishable.*

Misconduct  
in public  
library.

Rev. Stat.  
c. 136.

**85.** Any person who wilfully interrupts, or disquiets a public library, reading room, museum, art school or any class in connection therewith, by rude or indecent behaviour, or by making a noise either within the building or so near thereto as to disturb the persons using the same, shall, for each offence, incur a penalty not exceeding \$20, recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 246, s. 86.



## SCHEDULE.

## FORM 1.

(Sections 4, 5 and 6.)

## PETITION.

To the Municipal Council of

We, the undersigned electors of the said City of  
(*or as the case may be*), respectively, pray that a public library may be  
established in this municipality under *The Public Libraries Act*.

R.S.O. 1927, c. 246, Form 1.

## FORM 2.

(Sections 4, 5 and 6.)

## BY-LAW FOR ESTABLISHING A PUBLIC LIBRARY.

A by-law to provide for the establishment of a public library in the  
City of (*or as the case may be*).

Whereas electors have petitioned the council of the said City  
of (*or as the case may be*), praying for the establishment  
of a public library under *The Public Libraries Act*.

Be it therefore enacted by the said municipal council that,—

1. In case the assent of the electors is given to this by-law, a public  
library be established in this municipality in accordance with the pro-  
visions of *The Public Libraries Act*.

2. The votes of the electors shall be taken on this by-law on  
the day of 19 , commencing at o'clock in  
the forenoon and continuing until o'clock in the afternoon, at the  
undermentioned places: [*Here insert (1) the wards; (2) the polling  
subdivisions; (3) the places for holding the poll and the names of the  
deputy returning officers*].

3. On the day of next, at his office in the  
at o'clock in the noon, the mayor (*or reeve or as the case  
may be*), shall appoint in writing, signed by him, two persons to attend  
at the final summing up of the votes by the clerk, and one person to  
attend at each polling place on behalf of the persons desirous of pro-  
moting, and a like number on behalf of the persons desirous of opposing  
the passing of this by-law.

4. The clerk shall attend at the at the hour of  
o'clock in the noon, on the day of 19 ,  
to sum up the number of votes given respectively for or against the  
by-law.

A. B.,  
Mayor (*or Reeve*).

C. D.,  
Clerk.

Passed the day of

, 19

*Notice by Clerk.*

The above is a true copy of a proposed by-law which will be taken  
into consideration by the council of after one month from the  
day of 19 , being the date of the first publica-  
tion thereof, and the polls for taking the votes of the electors will be  
held at the hour, day and places named in the by-law.

R.S.O. 1927, c. 246, Form 2.

## FORM 3.

## (Section 8, Subsection 2)

## PETITION FOR ESTABLISHMENT OF PUBLIC LIBRARY IN SCHOOL SECTION.

PETITION for the establishment of a Public Library in School Section..... (or School Sections) in.....

We, the undersigned, constituting a majority of the public and separate school supporters in the said section (or sections) pray that a public library may be established in and for the said school section (or sections) under and subject to the provisions of *The Public Libraries Act*.

Dated this.....day of.....19....

Signatures

Addresses

Witness: }

Province of Ontario,  
County (or District) of }  
To Wit.

I,.....of the.....of.....  
(occupation)....., make oath and say:—.....

1. That I was actually present and did see the above petition signed by the persons whose names are thereto subscribed as petitioners.

2. That I believe the said petition to have been signed in good faith and that the signatories are all of them supporters of public or separate schools.

3. That I am a subscribing witness to the said petition.

Sworn before me at  
the ..... of..... }  
in the County (or District) of..... }  
this.....day of .....19.... }

A Commissioner, etc.  
(or J.P.).

I,.....of the.....of.....  
being the clerk of the township of..... (or in the case of  
*unorganized territory*) being the secretary of the public school (or  
separate school) board in school section No.....in the  
township of..... (or as the case may be) do certify,—

That I have examined the above petition and that the names subscribed thereto are the names of persons entitled to be and who are assessed as public and separate school supporters in school section No.....in the township of.....

That the number of names subscribed to the said petition constitute a majority of the public and separate school supporters in the said section.

Dated this.....day of.....19....

.....  
Clerk of the Township (or secretary of the board of  
public or separate schools).

## CHAPTER 284.

## The Community Halls Act.

**1.** In this Act,—

(a) “Minister” shall mean Minister of Agriculture;

Interpreta-  
tion.

“Minister.”

(b) “Regulations” shall mean regulations made under the authority of this Act. R.S.O. 1927, c. 247, s. 1.

“Regula-  
tions.”

**2.**—(1) The Minister may grant aid to the municipal cor-  
poration of a township or incorporated village for the purpose  
of assisting in providing for a community hall or the establish-  
ment and laying out of an athletic field, but such grant shall  
not exceed an amount equal to twenty-five per centum, of the  
cost of the building or that part of the building designed for a  
community hall or of the cost of the athletic field, nor shall  
such grant exceed the sum of \$2,000, but grants may be made  
for the establishment of more than one community hall or  
athletic field by the corporation of any one township. R.S.O.  
1927, c. 247, s. 2 (1).

Granting  
aid to  
township or  
village for  
community  
hall and  
athletic  
field.

(2) The Minister may make a grant to the amount set forth  
in subsection 1 to assist in providing for a community hall in  
any town where, in the opinion of the Minister, such com-  
munity hall may serve the purposes of the inhabitants of town-  
ships adjacent to such town. 1934, c. 54, s. 5.

Community  
hall,  
grant to.

(3) The grant shall be payable out of such sums as may be  
appropriated by the Legislature for the purpose of aiding in  
the establishment of community halls. R.S.O. 1927, c. 247,  
s. 2 (2).

How grants  
payable.

**3.** All the property acquired for the purposes of this Act  
shall, except as hereinafter provided, be vested in the municipal  
corporation of the township or incorporated village. R.S.O.  
1927, c. 247, s. 3.

Property  
vested in  
corporation.

**4.**—(1) The council of the township or village may by  
by-law provide for the establishment of a community hall or  
athletic field in accordance with the provisions of this Act,  
and may acquire by purchase or otherwise real and personal  
property for that purpose, and may enter into an agreement  
with the council of any adjoining township or village for the  
joint use of the community hall or athletic field by the in-  
habitants of the municipalities upon such terms as to con-  
tribution to the cost of the hall or athletic field and as to the

By-law.

Agreement  
with  
adjoining  
municipality.

maintenance thereof as may be agreed upon, but notwithstanding any such agreement, the aid to be granted under this Act shall not exceed the amount mentioned in section 2.

By-law for  
acquiring  
land in  
another  
municipality.

(2) The by-law may provide for acquiring land and establishing a community hall or athletic field or both in an adjacent or contiguous village or township, but real property so acquired or held in an adjacent or contiguous municipality shall not be exempt from taxation by the corporation of the municipality in which it is situate unless the council of such last mentioned municipality by by-law declares that such real property shall be so exempt.

Exempting  
such lands  
from taxa-  
tion.

(3) The council of a municipality in which a community hall or athletic field is established by the council of another municipality may grant such total or partial exemption from taxation as the council may deem proper and may enter into an agreement with the corporation of the municipality establishing the community hall or athletic field for granting such exemption. R.S.O. 1927, c. 247, s. 4 (1).

Debentures.  
Rev. Stat.  
c. 266.

(4) The corporation of the township or village may issue debentures for the purposes of subsection 1 in the manner provided by *The Municipal Act*. R.S.O. 1927, c. 247, s. 4 (2); 1932, c. 53, s. 27.

When  
athletic  
field or  
community  
hall need  
not be  
established.

**5.** It shall not be necessary for the council of a township or village to establish an athletic field in connection with the establishment of a community hall, or to establish a community hall in connection with the establishment of an athletic field and the Minister may grant aid under this Act without requiring the establishment of an athletic field or of a community hall where he is of opinion that adequate accommodation is otherwise provided. R.S.O. 1927, c. 247, s. 5.

Action  
by school  
section for  
establish-  
ment of hall.

**6.—**(1) Upon a petition being presented to the council of a township, signed by more than one-half the number of rate-payers in any school section or school sections in the township and praying that the council of the township may pass a by-law for the establishment of a community hall, or a community hall and athletic field, or an athletic field, for such school section or sections, the council may pass a by-law for the establishment of such community hall, or community hall and athletic field, or athletic field, in any school section or in any village adjacent or contiguous thereto and may exercise the power conferred by section 4.

Issue of  
debentures.

(2) The moneys required for the establishment of a community hall, a community hall and athletic field or an athletic



field under this section, may be raised by the issue of debentures of the township in the manner provided by *The Municipal Act*, but it shall not be necessary to procure the assent of the ratepayers for the passing of any by-law for the issue of such debentures, and all moneys required to provide for sinking fund and interest on the debentures issued under this section or for any other purpose in connection with the establishment of a community hall, a community hall and athletic field, or an athletic field, for a school section shall be raised by special rate upon all property subject to municipal taxation in the school section or school sections, and the word "ratepayer" in this section shall mean persons assessed and liable to taxation for general municipal purposes.

Rev. Stat.  
c. 266.

(3) Where debentures are issued under this section, such debentures shall constitute a debt of the corporation of the township to the holder of the debentures and the property liable to assessment and taxation in the school section or school sections shall be liable to the township as a whole for any amounts paid by the township on account of the debentures or interest thereon.

Debentures  
to be a debt  
of township.

(4) Where a township council has passed a by-law for establishing a community hall or a community hall and athletic field for a school section or for school sections, the township council may, by by-law, upon request of the board of school trustees, vest the property in the said board, and the said board shall thereupon have power to hold such property and shall perform the functions of the board of management as set forth in section 7.

Property  
may be  
vested in  
board of  
school  
trustees.

(5) In the case of a union school section composed of parts of two adjacent counties, the council of the municipality which passes the by-law for the establishment of a community hall, or a community hall and athletic field, or an athletic field, shall have all the powers and perform all the duties which may be exercised or are to be performed under this Act in the same manner as if the whole of the school section were within the said municipality and the lands in the union school section shall, for the purposes of this Act, be deemed to lie wholly within and to be under the exclusive jurisdiction of the council so passing such by-law.

In union  
school  
section.

(6) The clerk of the said council shall forthwith after the passing of the by-law imposing the special rates to pay the cost of the establishment of a community hall, or a community hall and athletic field, or an athletic field, as the case may be, deliver or transmit by registered post to the clerk of the municipality in which is situate any land upon which a special rate

Trans-  
mission of  
copy of  
by-law  
to other  
muni-  
cipalities.

has been imposed, a copy of the by-law, certified under his hand and the seal of the municipality to be a true copy.

Collection  
of rates in  
union  
section.

(7) The rates required by the by-law to be levied and collected in any year upon land in any municipality other than that by the council of which the by-law is passed shall be collected by the council of such municipality in like manner as if such rates had been imposed by that council.

Payment  
of share  
by other  
municipi-  
palities.

(8) The corporation of a municipality other than that by the council of which the by-law is passed shall pay to the last mentioned municipality the sums which are to be levied and collected in that year under subsection 7, and such payments shall be made on demand therefor at any time after the 14th day of December in that year, and shall be made whether or not such rates have been collected from the persons liable to pay them.

Lands to  
remain  
liable.

(9) Such payments shall not relieve any lands specially assessed from the special rate thereon, but it shall remain liable for the special rate until it is paid. R.S.O. 1927, c. 247, s. 6.

Appointment  
of board.

**7.**—(1) Every community hall, community hall and athletic field or athletic field established under this Act shall be under the management and control of a board appointed by the council, composed as follows,—

(a) two members of the council; and

(b) five members selected by the council from among the officers of the local organizations, for the use of which the hall or athletic field is established, and in selecting such representatives, the council shall have regard to the contribution by each organization to the erection and maintenance of the community hall or establishment and maintenance of the athletic field.

Vacancies  
on board.

(2) The council may fill any vacancy arising on the board from among the class of representatives in which the vacancy occurs.

Term of  
office.

(3) The representatives of the council shall be appointed annually, and shall hold office until their successors are appointed, and every other officer of the board shall hold office for two years from the date of his appointment and until his successor is appointed. R.S.O. 1927, c. 247, s. 7.

Grants in  
aid from  
other bodies.

**8.** Any municipal corporation entering into an agreement for the joint use of a community hall or athletic field, and any of the societies or other bodies by which the community hall may be used under the regulations, may make grants out

of any moneys in their hands in aid of the erection and maintenance of a community hall or athletic field established under this Act. R.S.O. 1927, c. 247, s. 8.

**9.** The Minister shall have power to make grants to the board of trustees of any consolidated school, continuation school or high school in a township or incorporated village, which provides athletic grounds of satisfactory area, and a community hall in or in connection with the school, on the same terms as herein set forth, except that such grounds and community halls shall be managed and conducted under the regulations of the Department of Education, and such property shall be vested in the board of the consolidated school, continuation school or high school provided always that the community halls and athletic grounds shall be available for the purposes permitted by the regulations. R.S.O. 1927, c. 247, s. 9.

Community hall in connection with consolidated school.

**10.** The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations respecting the terms and conditions upon which aid may be granted under this Act, the uses to which a community hall or athletic field may be put, and the accommodation which may be provided therein, and generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 247, s. 10.

Regulations.

**11.**—(1) In territory without municipal organization, a community hall or athletic field may be established with the approval of the Minister and subject to the regulations, by a board of public school trustees or a board of separate school trustees in connection with any school maintained by such board.

Establishment of community hall or athletic field in unorganized territory.

(2) Where a community hall or athletic field is established under subsection 1, the property shall be vested in the board of school trustees, and the like grant may be payable to the school trustees as in the case of a community hall or athletic field established in a municipality and the terms of this Act shall otherwise apply. R.S.O. 1927, c. 247, s. 11.

Property to be vested in school board.

**12.** Where under the provisions of this Act, aid has been granted to assist in building a community hall or to assist in establishing or laying out an athletic field out of sums appropriated by the Legislature for such purpose, such hall or athletic field shall not be sold or disposed of within ten years from the time the aid was granted without the approval of the Minister. 1934, c. 4, s. 2.

Disposal of hall.

## CHAPTER 285.

## The Public Parks Act.

Establishment of parks.

**1.**—(1) A park, or a system of parks, avenues, boulevards and drives, or any of them, may be established in any municipality, and the same, as well as existing parks and avenues, may be controlled and managed in the manner hereinafter provided.

Petition.

(2) Subject to the provisions of subsection 5, if a petition is presented to the council of any county or city signed by not less than five hundred electors, or to the council of any town or township signed by not less than two hundred electors, or to the council of any village signed by not less than seventy-five electors, praying for the adoption of this Act, the council may pass a by-law giving effect to the petition, with the assent of the electors qualified to vote at municipal elections, given before the final passing of the by-law as provided by *The Municipal Act*.

By-law.

Rev. Stat. c. 266.

Idem.

(3) If the majority of the votes is in favour of the by-law, it shall be finally passed by the council at its next regular meeting held after the taking of the vote, or as soon thereafter as may be.

Restriction.

(4) If the vote is adverse, no by-law for the same purpose shall afterwards be submitted to the electors within the same year.

When submission to electors unnecessary.

(5) It shall not be necessary for a county council to submit the by-law for the assent of the electors if the by-law, on the final reading thereof, is approved by three-fifths of the members of the council then present. R.S.O. 1927, c. 248, s. 1.

Parks to be open to public.

**2.** The parks, avenues, boulevards, and drives, and approaches thereto, and streets connecting the same, shall be open to the public free of all charge, subject to the by-laws, rules and regulations of the board of park management, and subject also to the provisions of sections 12 and 13. R.S.O. 1927, c. 248, s. 2.

Board of park management.

**3.**—(1) In case of the adoption of this Act, the general management, regulation and control of all existing parks and avenues, and of all properties both real and personal, ap-



plicable to the maintenance of parks belonging to the municipality, and of all parks, avenues, boulevards and drives which may thereafter be acquired and established under the provisions of this Act shall be vested in and exercised by a board to be called "The Board of Park Management."

(2) The authority of the board shall not extend to any streets open at the time of the adoption of the Act, with the exception of streets expressly specified in the by-law adopting the Act, or which at any time, or from time to time afterwards, in pursuance of an agreement between the council and the board, the council by by-law declares to be subject to this Act. Authority of board,—to what streets applicable.

(3) Nothing in this Act shall authorize the board to assume possession or control of any exhibition park in or belonging to the municipal corporation without the consent of both the council and of any district agricultural society or exhibition association having an interest therein. R.S.O. 1927, c. 248, s. 3. Consent of municipal council and agricultural society.

4. The board shall be a corporation, and shall be composed of the head of the municipality and of six other persons, who shall be residents or ratepayers of the municipality, but not members of the council, and shall be appointed by the council. R.S.O. 1927, c. 248, s. 4. Constitution of board.

5.—(1) The appointed members of the board shall hold office for three years, except in the case of the members of the first board, two of whom shall hold office until the 1st day of February in the year following the first appointments, two for one year, and two for two years, from that day; such members retiring in rotation, two each year, the order of such retirements to be determined by lot among themselves at their first meeting; but every member of the board shall continue in office until his successor is appointed and shall be eligible for reappointment. Tenure of office.

(2) In case of a vacancy by the death or resignation of a member, or from any cause other than the expiration of the time for which he was appointed, the member appointed in his place shall hold office for the remainder of his term and until his successor is appointed. Vacancies.

(3) Save as aforesaid, each of the appointed members shall hold office for three years from the 1st day of February in the year in which he is appointed. Term of office of appointed members.

(4) The first appointment of members of the board shall be made at the first regular meeting of the council held after the final passing of the by-law. First appointments.

Subsequent  
appoint-  
ments.

(5) Thereafter the appointments shall be made annually at the first meeting of the council held after its organization; and any vacancy arising from any cause other than the expiration of the time for which the member was appointed shall be filled at the first meeting of the council held after the occurrence of the vacancy.

Organiza-  
tion of  
board.

(6) The first members of the board, within ten days after their appointment and on such day and hour as the head of the municipal corporation shall appoint, notice of the appointment in writing, signed by him, having been duly sent to the address of each member at least one week before the day and hour named therein, shall meet at the office of the head for the purpose of organization, shall elect one of their number chairman and shall appoint a secretary who may be one of their own number.

When ap-  
pointments  
not made at  
required  
time.

(7) If for any reason appointments are not made at the prescribed time, the same shall be made as soon as may be thereafter.

Tenure of  
office of  
chairman  
and secre-  
tary.

(8) The chairman and secretary shall hold office at the pleasure of the board, or for such period as the board may prescribe.

Chairman  
and secre-  
tary *pro tem*.

(9) When the chairman or secretary is absent, or unable to act, the board may appoint a chairman or secretary *pro tempore*.

Monthly  
meeting.

(10) The board shall meet at least once in every month.

Calling  
special  
meeting.

(11) The chairman or any two members may summon a special meeting of the board by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called.

Vacating  
office by  
absence.

(12) The office of a member who is absent from the meetings of the board for three consecutive months, without leave of absence from the board or without reasons satisfactory to the board, shall be declared vacant by the board, and notice thereof shall be given to the council at its next meeting.

Quorum.

(13) No business shall be transacted at any special or general meeting unless at least four members are present.

Records.

(14) All orders and proceedings of the board shall be entered in books to be kept for that purpose and shall be signed by the chairman for the time being, and, when so entered and purporting to be so signed, shall be deemed to be original orders and proceedings, and the books may be produced and read in any judicial proceeding as evidence of the orders and proceedings. R.S.O. 1927, c. 248, s. 5.

**6.**—(1) The members of the board shall serve without compensation, but each member shall be entitled to receive his actual disbursements for expenses in visiting or superintending the park or park property where the visit or service is made or rendered by direction of the board. R.S.O. 1927, c. 248, s. 6 (1). Payment of expenses of members.

(2) No member of the board, or of the council, shall have any contract with the board, or be pecuniarily interested, directly or indirectly, in any contract or work relating to the park or park property. R.S.O. 1927, c. 248, s. 6 (2); 1934, c. 48, s. 2. Prohibition against interest in contracts.

**7.** The board may employ all necessary clerks, agents and servants, and may prescribe their duties and compensation. R.S.O. 1927, c. 248, s. 7. Assistance.

**8.** The board shall keep in its office all books, maps, plans, papers and documents used in and pertaining to the business of the board, and the same shall be open to the examination of the members of the council, and of any other person appointed for that purpose by the council. R.S.O. 1927, c. 248, s. 8. Custody and inspection of records.

**9.** The board shall keep accounts of its receipts, payments, credits, and liabilities, and the same shall be audited by the auditors of the municipal corporation in like manner as other accounts of the municipal corporation, and shall thereafter be laid before the council by the board. R.S.O. 1927, c. 248, s. 9. Accounts.

**10.**—(1) The board may pass by-laws for the use, regulation, protection and government of the parks, avenues, boulevards and drives, the approaches thereto, and streets connecting the same, not inconsistent with the provisions of this Act or of any law of Ontario. Power to make by-laws, etc.

(2) The powers conferred upon municipal councils by *The Railway Act*, so far as relates to any streets or approaches under the control of the board, shall not be exercised without the consent of the board, and no street railway or other railway shall enter upon or pass through the park. Consent of board necessary for exercise of certain powers. Rev. Stat. c. 259.

(3) The board shall have power to license cabs and other vehicles for use in a park, and to let from year to year, or for any time not exceeding ten years, the right to sell refreshments, other than spirituous, fermented or intoxicating liquors, within the park under such regulations as the board shall prescribe. Licensing of cabs and vehicles and sale of refreshments.

## Penalties.

(4) The board shall have power in and by their by-laws to attach penalties for the infraction thereof, and such by-laws may be enforced and the penalties thereunder recovered in like manner as by-laws of municipal councils, and the penalties thereunder may be enforced and recovered.

By-laws,  
authentication of.

(5) The by-laws shall be sufficiently authenticated by being signed by the chairman of the board, and a copy of any by-law, written or printed, and certified to be a true copy by any member of the board, shall be receivable as evidence without proof of any such signature. R.S.O. 1927, c. 248, s. 10.

Power of  
municipality  
to acquire  
property for  
park  
purposes.

**11.** Real and personal property may be devised, bequeathed, granted, conveyed, or given to the municipal corporation for the establishment or formation of a park, or for the purpose of the improvement or ornamentation of any park of the municipality, and of the avenues, boulevards and drives and approaches thereto, and of the streets connecting therewith, and for the establishment and maintenance on park property of museums, zoological or other gardens, natural history collections, observatories, monuments, or works of art, upon such trusts and conditions as may be prescribed by the donor. R.S.O. 1927, c. 248, s. 11.

Power of the  
board to  
acquire land.

**12.—**(1) The board may acquire by purchase, lease or otherwise the land, rights and privileges required for park purposes under this Act.

Area allow-  
able.

(2) Land so acquired, together with that, the general management, regulation and control of which is vested in the board under the provisions of section 3, exclusive of land acquired by devise or gift, shall not together exceed in the case of cities having a population of not less than 100,000, two thousand acres, and in the case of other cities, or of counties, one thousand acres, and in the case of towns, villages or townships, five hundred acres.

## Grantee.

(3) The conveyance of all land, rights and privileges so acquired by purchase or lease shall be taken to the municipal corporation.

Power to  
lease.

(4) The board shall have power to let any land not immediately required for park purposes.

Power to  
sell.

(5) If it has more land than is required for park purposes, the board may sell or otherwise dispose of the land not required in such manner and upon such terms as may be deemed most advantageous.

Lands for  
athletic, etc.,  
purposes.

(6) Where a park has been purchased or has been acquired by the board or by the corporation of the municipality, other-



wise than by gift or devise, or by dedication to the public by the owner of the land, freely, or at a nominal price or rental, the board may set apart a sufficient part thereof for athletic purposes or for the purposes of sport, exhibitions or other lawful amusements or entertainments, and may lease the same for such purposes for such times and on such terms as the board may see fit; but the powers conferred by this subsection shall not be exercisable with respect to any park unless and until the board has applied for and received the approval of the Ontario Municipal Board. R.S.O. 1927, c. 248, s. 12.

**13.**—(1) The council of the municipal corporation may by by-law provide that any land acquired by the corporation and not immediately required for any other purpose shall be under the management and control of the board, and the board may set apart such land or any part thereof for athletic purposes or for the purposes of sport exhibitions or other lawful amusements or entertainments, and may lease the same for such purposes for such times and on such terms as the board may see fit.

Municipality  
may  
empower  
board to  
manage any  
corporation  
land.

(2) The council may repeal any by-law passed under subsection 1, and the municipal corporation may thereafter sell or otherwise dispose of the land or use the same for any lawful purpose of the corporation. R.S.O. 1927, c. 248, s. 13.

Council may  
repeal  
by-law.

**14.** The board, its engineers, surveyors, servants and workmen may enter upon the land of any person in the municipality, or, in the case of a city within ten miles, and in the case of a town within five miles thereof, and may survey, set out, and ascertain such parts thereof as are required for parks, avenues, boulevards and drives and approaches thereto, or for any other purposes of the board, including the supply of water for artificial lakes, fountains, and other park purposes, and with the consent of all parties interested capable of consenting, may divert and expropriate any river, ponds of water, springs or streams of water therein which the engineer, surveyor or other person authorized by the board may deem suitable for such purposes, and the board may contract with the owner or occupier of such land, and with those having a right or interest in such water, for the purchase or renting thereof or of any part thereof, or of any privilege which may be required for the purposes of the board; but the board shall not interfere with the waterworks or water supply of any municipal corporation or of any waterworks company. R.S.O. 1927, c. 248, s. 14.

Power to  
enter on  
lands and  
expropriate  
streams, etc.

No interference  
with  
waterworks.

**15.** In case of any disagreement between the board and the owner or occupier of, or any other person interested in

Arbitration.

such land, or any person having an interest in such water, or in the natural flow thereof, or in any such privilege respecting the amount of purchase money or yearly rental thereof, or as to the damages which the expropriation thereof by the board will cause, or otherwise, the matter in question shall be determined by arbitration under *The Municipal Act*, as herein-after provided. R.S.O. 1927, c. 248, s. 15.

Rev. Stat.  
c. 266.

Application  
of Rev. Stat.  
c. 266.

**16.** Sections 342, 343, 345 to 347 and 349 to 357 of *The Municipal Act* shall be read as part of this Act, and shall apply to the board as if the board were named therein instead of the corporation or municipal council. R.S.O. 1927, c. 248, s. 16.

Board to  
make yearly  
estimates.

**17.**—(1) The board shall, in the month of February in every year, prepare an estimate of the sums required during the ensuing financial year, for,—

- (a) the interest on money borrowed;
- (b) the amount of the sinking fund or principal;
- (c) the expense of maintaining, improving, and managing the parks, boulevards, avenues and streets under its control; and
- (d) the interest and instalments of purchase money for the purchase of small squares or parks.

When esti-  
mate to be  
reported.

(2) The board shall report its estimate to the council not later than the 15th day of February in each year.

Special rate  
for park  
purposes.

(3) The council shall, in addition to all other rates and assessments for municipal purposes, levy and assess in every year a special annual rate, sufficient to furnish the amount required for the year, but not exceeding one mill in the dollar upon the assessed value of all rateable real and personal property, and such rate shall be called "The Park Fund Rate," and shall be deemed to be included in the limit of the rate authorized by section 315 of *The Municipal Act*.

Rev. Stat.  
c. 266.

Power to  
issue deben-  
tures.

(4) Subject as hereinafter provided, the council may also, on the requisition of the board, raise by a special issue of debentures, to be called "Park Fund Debentures," the sums required for the purpose of purchasing the land and privileges which are reported by the board to be necessary for park purposes, and for making permanent improvements upon any land theretofore acquired by the board for park purposes.

Issuing of  
debentures  
for half  
cost of park  
when  
remainder  
contributed.

(5) If at least one-half of the cost of establishing a park is contributed by private subscription or otherwise, the council shall, at the request of the board of park commissioners, issue debentures for the remaining one-half, but only when the

annual sum required to meet the annual interest and sinking fund or principal can be provided for without exceeding the limit of one mill in the dollar provided for in subsection 3.

(6) It shall not be necessary to submit to the electors a by-law, <sup>By-law, when not necessary to submit to electors.</sup> authorizing the issue of debentures in case the annual sum required to meet the annual interest and sinking fund or principal does not, with a reasonable allowance for annual expenses of managing, improving and maintaining the parks and other works under the control of the board, exceed the limit of one mill in the dollar, any provisions in *The Municipal Act*, or any special Act, relating to the municipality, to the contrary notwithstanding. <sup>Rev. Stat. c. 266.</sup>

(7) The debentures shall be payable within forty years at <sup>Currency of debentures.</sup> furthest from the date of their issue.

(8) Debentures issued under the authority of this Act, shall <sup>To constitute lien.</sup> form a lien and charge upon all land which is by this Act declared to be subject to the control and management of the board.

(9) In case of a sale, the board may sell free from the lien, <sup>Sale free from lien; application of proceeds.</sup> but the purchase money shall be applied to the payment of park debentures or to the purchase of other land for park purposes.

(10) During the currency of the debentures, the council shall withhold and retain out of and as a first charge on the <sup>Annual rate for retirement of debentures.</sup> annual rate the amount required to meet the annual interest of the debentures, and the annual sinking fund or principal to be provided for the retirement thereof as the debentures become due.

(11) Except as in this Act otherwise expressly provided, <sup>Application of provisions of Rev. Stat. c. 266.</sup> the provisions of *The Municipal Act*, as to money by-laws and the debentures to be issued thereunder, shall apply to by-laws passed by a municipal council under the authority of this Act and the debentures issued thereunder.

(12) All money realized or payable under this Act shall be <sup>Money, application of.</sup> received by the treasurer of the municipality in the same manner as other money, and shall be by him deposited to the credit of the park fund, and shall be paid out by him on the orders of the board; save as to the amount required to meet the interest on and provide a sinking fund or principal for debentures. R.S.O. 1927, c. 248, s. 17.

Prohibitions  
and  
penalties.  
Hindering,  
etc., board  
or its  
officers.

**18.** No person shall,—

Wasting  
water.

Fouling  
reservoir.

Diverting  
water.

Fouling  
water  
supply.

Destroying  
ornamental  
trees, etc.

- (a) wilfully or maliciously hinder, or interrupt, or cause or procure to be hindered or interrupted, the board or its engineers, surveyors, managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Act authorized and contained;
- (b) wilfully or maliciously let off or discharge any water so that the same runs waste or useless from or out of any reservoir, pond, or lake, or other receptacle for water connected with any such park;
- (c) cause any dog or other animal to swim in, or throw or deposit any injurious, noisome, or offensive matter into the water in any reservoir, lake, pond, or other receptacle for water connected with any such park, or upon the ice in case such water is frozen, or in any way foul the water, or commit any unlawful damage or injury to the works, pipes, or water, or encourage the same to be done;
- (d) lay or cause to be laid any pipe or main to communicate with any pipe or main belonging to the water-works connected with any such park or parks, or in any way obtain or use any water thereof without the consent of the board;
- (e) wash or cleanse any cloth, wool, leather, skin or animals, cause any dog or other animal to swim therein, or place any noisome or offensive thing within the distance of three miles in the case of a city, and one mile in the case of any other municipality, in any river, pond, creek, spring, source or fountain from which the water for the supply of any such park or parks is taken, or convey, cast, throw, or put any filth, dead carcass or other injurious, noisome or offensive things therein, or within the distance as above mentioned; or cause, permit, or suffer the water of any sink, sewer, or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any way tainted or fouled;
- (f) wilfully or maliciously injure, hurt, deface, tear or destroy any ornamental or shade tree or shrub or plant, or any statue, fountain, vase or fixture of ornament or utility in any street, park, avenue, drive, or other public place under the control of the board, or wilfully, negligently or carelessly suffer or permit any



horse or other animal driven by or for him, or any animal belonging to him or in his custody, possession or control, and lawfully on the street or other public place, to break down, destroy or injure any tree, shrub or plant therein;

- (g) wilfully or maliciously injure, hurt, or otherwise molest or disturb any animal, bird, or fish kept in any such park or in the lakes or ponds therewith connected. <sup>Injuring animals, etc.</sup>

(2) For every contravention of subsection 1, the offender shall incur a penalty of not less than \$1 or more than \$20; or such offender may be imprisoned with or without hard labour, in the first instance, for any term not exceeding thirty days; and the person so offending shall be liable to an action at the suit of the board to make good any damage done by him. <sup>Penalty.</sup>  
R.S.O. 1927, c. 248, s. 18.

**19.** The board of commissioners of police of every city and town shall, upon the request of the board of park management, detail for service in any of the property under the care or control of the park board so many of the police force as the board of police commissioners may deem necessary to maintain order and protect property therein, and any constable may remove therefrom any person violating any of the provisions of this Act, or of any of the rules and regulations established by the board. <sup>Police protection.</sup>  
R.S.O. 1927, c. 248, s. 19.

**20.** The watchmen and other officers of the board, when in the discharge of their duties, shall have all the powers and authority of a constable. <sup>Powers of officers of board.</sup>  
R.S.O. 1927, c. 248, s. 20.

## CHAPTER 286.

## The Public Utilities Act.

Interpre-  
tation.  
"Public  
utilities."

1. In Parts III, IV, V and VI of this Act, "public utility" or "public utilities" shall mean water, artificial or natural gas, electrical power or energy, steam and hot water. R.S.O. 1927, c. 249, s. 1.

## PART I.

## MUNICIPAL WATERWORKS.

Establish-  
ment of  
works and  
expropria-  
tion of  
land, etc.

2.—(1) The corporation of a local municipality may, under and subject to the provisions of this Part, acquire, establish, maintain and operate waterworks, and may acquire by purchase or otherwise and may enter on and expropriate land, waters and water privileges and the right to divert any lake, river, pond, spring or stream of water, within or without the municipality, as may be deemed necessary for waterworks purposes, or for protecting the waterworks or preserving the purity of the water supply.

Limitation  
of power  
to exprop-  
riate.

(2) No land, water or water privilege which is not situate within or within fifteen miles of the municipality shall be expropriated under the powers conferred by subsection 1, and no water shall be taken from any lake or river except within or within fifteen miles of the municipality, or in either case so as to interfere with the waterworks of any other municipal corporation or the supply of water therefor then in actual use.

Power to  
acquire  
existing  
works.

(3) The corporation may purchase the waterworks of any person situate within or in the neighbourhood of the municipality and may improve and extend the same, and, for the purpose of any improvement or extension, may exercise all the powers conferred by this Part. R.S.O. 1927, c. 249, s. 2.

Provision as  
to paying  
compensa-  
tion.  
Rev. Stat.,  
c. 266.

3. The provisions of Part XV of *The Municipal Act* shall apply to the exercise by the corporation of any of the powers conferred by this Part. R.S.O. 1927, c. 249, s. 3.

Construc-  
tion of  
necessary  
works.

4.—(1) The corporation may construct and maintain, in and upon the land acquired by it, such reservoirs, water and other works, plant and machinery as may be requisite for the

undertaking, and may, by pipes or otherwise, convey the water thereto and therefrom, in, upon, and through any land lying between the reservoirs and waterworks and the lake, river, pond, spring or stream of water from which the water is procured or between them, or any of them, and the municipality.

(2) The corporation and its servants may for such purposes enter and pass upon and over such intermediate land, and may, if necessary, cut and dig up the same and lay pipes through it, and in, upon, through, over, and under the highways, lanes and other public communications within the municipality, or within the distance limited by subsection 2 of section 2, and in, upon, through, over, and under the land of any person within the municipality.

Power to enter on intermediate lands.

(3) All such highways, lanes, or other public communications, and all land, not being the property of the corporation, shall be restored to their original condition without unnecessary delay.

Duty of restoration.

(4) The corporation may purchase or expropriate, use and occupy such part of such intermediate land as it may deem necessary for the making and maintaining of the works, or for the opening of new streets required for the same, or for the protection of the works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the pipes, and for distributing water to the inhabitants of the municipality, or for the uses of the corporation, or of the owners or occupants of the land through or near which the pipes may pass. R.S.O. 1927, c. 249, s. 4.

Power to expropriate.

5. For the purpose of distributing the water the corporation may sink and lay down pipes, tanks, reservoirs, and other conveniences, and may from time to time alter their location or construction as the corporation may deem advisable. R.S.O. 1927, c. 249, s. 5.

Power to lay down pipes.

6.—(1) The service pipes shall be laid down from the main pipe to the line of the highway by the corporation, and the corporation shall be responsible for keeping the same in repair.

Service pipes.

(2) Where a vacant space intervenes between the outer line of a highway and the wall of a building or other place into which the water is to be taken, the corporation may, with the consent of the owner, lay the service pipe across such vacant space to the interior face of the outer wall and charge the cost thereof to the owner of the premises, or the owner may himself lay the service pipe, if it is done to the satisfaction of the corporation.

Laying of, from line of street, to wall of building.

Expenses of  
laying.

(3) The expense incidental to the laying and repairing of service pipes if laid or repaired by the corporation, except the repairing of the service pipes from the main pipe to the line of a highway, or of superintending the laying or repairing of the same, if laid or repaired by any other person, shall be payable by the owner to the corporation on demand, and if not so paid may be collected in the same manner as water-rates.

Expenses of  
superin-  
tending.

(4) The expense of superintending the laying or repairing of a service pipe shall not exceed \$1. R.S.O. 1927, c. 249, s. 6.

Service pipe  
to be under  
control of  
corpora-  
tion.

**7.**—(1) The service pipes from the line of a highway to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks and apparatus placed therein by the corporation shall be under its control, and if any damage is done to that portion of the service pipe or its fittings the owner or occupant of the building shall forthwith repair the same to the satisfaction of the corporation, and, in default of his so doing, whether notified or not, the corporation may enter upon the land where the service pipe is and repair the same, and charge the cost thereof to the owner or occupant of the premises, and the same may be collected in the same manner as water rates.

Prohibi-  
tion as to  
using  
stopcock.

(2) The stopcock placed by the corporation inside the wall of the building shall not be used by the water taker, except in case of accident, or for the protection of the building or the pipe and to prevent the flooding of the premises.

Approval of  
taps by cor-  
poration.

(3) Persons supplied with water by the corporation may be required to place only such taps for drawing and shutting off the water as are approved of by the corporation. R.S.O. 1927, c. 249, s. 7.

Regulation  
of use of  
water and  
of rates.

**8.** The corporation may regulate the distribution and use of the water in all places where and for all purposes for which it may be required, and fix the prices for the use thereof, and the times of payment, and may erect such number of public hydrants and in such places as it may see fit, and may direct in what manner and for what purposes the same shall be used, and may fix the rate or rent to be paid for the use of the water by hydrants, fireplugs, and public buildings. R.S.O. 1927, s. 249, s. 8.

Rates at  
which water  
to be sup-  
plied to pro-  
vincial in-  
stitutions.

**9.**—(1) The corporation of every municipality having a system of waterworks shall supply water at all times to all public institutions situate therein or within three miles thereof, and belonging to or maintained by the Province at such rents,



rates or prices as may be fixed by by-law of the corporation, but not exceeding those charged to manufacturers, provided that any expenditure on works beyond the limits of the municipality chargeable to capital account, shall be borne and paid by the Province. R.S.O. 1927, c. 249, s. 9 (1); 1930, c. 21, s. 15.

(2) For every contravention of subsection 1, the corpora- Penalty.  
tion shall incur a penalty not exceeding \$500, recoverable by  
action at the suit of the Crown. R.S.O. 1927, c. 249, s. 9 (2).

**10.** The corporation shall not be liable for damages caused Non-liability for breakage or stoppage.  
by the breaking of any service pipe or attachment, or for  
shutting off of water to repair or to tap mains, if reasonable  
notice of the intention to shut off the water is given. R.S.O.  
1927, c. 249, s. 10.

**11.** The corporation may supply water upon special terms Power to supply water outside of municipality.  
and for such term of years as may be agreed on to owners or  
occupants of land beyond the limits of the municipality, and  
may exercise all other powers necessary for carrying out any  
agreement for that purpose, and may also make any agree-  
ment which may be deemed expedient for the supply of water  
for any term not exceeding five years to any railway company,  
or manufactory, or to builders; but where water is to be sup-  
plied for any of the purposes mentioned in this section in  
another municipality, the corporation of which possesses  
waterworks, no pipes for that purpose shall be carried in,  
upon, through, over or under any highway, lane, or public Proviso.  
communication within such other municipality without the  
consent of the council thereof. R.S.O. 1927, c. 249, s. 11.

**12.** The corporation may pass by-laws for regulating the Power to regulate supply and to prohibit wrongful use of water.  
time, manner, extent and nature of the supply by the works,  
the building or persons to which and to whom the water shall  
be furnished, the price to be paid therefor, and every other  
matter or thing related to or connected therewith which it may  
be necessary or proper to regulate, in order to secure to the  
inhabitants of the municipality a continued and abundant  
supply of pure and wholesome water, and to prevent the prac-  
tising of frauds upon the corporation with regard to the water  
so supplied, and for providing that for a contravention of any  
such by-law the offender shall incur a penalty not exceeding  
\$20 or may be imprisoned without the option of a fine for any  
period not exceeding one month. R.S.O. 1927, c. 249, s. 12.

**13.** Every person who,—

(a) wilfully hinders or interrupts, or causes or procures  
to be hindered or interrupted the corporation, or any

Prohibitions and penalties.

of its officers, contractors, agents, servants or workmen, in the exercise of any of the powers conferred by this Act;

- (b) wilfully lets off or discharges water so that the same runs waste or useless out of the works;
- (c) being a tenant, occupant, or inmate of any house, building or other place supplied with water from the waterworks, lends, sells, or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own, increases the supply of water agreed for, or improperly wastes the water;
- (d) without lawful authority wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stopcock, chamber, pipe, or hydrant-chamber, by placing on it any building material, rubbish, or other obstruction;
- (e) throws or deposits any injurious, noisome or offensive matter into the water or waterworks, or upon the ice, if the water is frozen, or in any way fouls the water or commits any wilful damage, or injury to the works, pipes, or water, or encourages the same to be done;
- (f) wilfully alters any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered;
- (g) lays or causes to be laid any pipe or main to communicate with any pipe or main of the waterworks, or in any way obtains or uses the water without the consent of the corporation; or
- (h) washes or cleanses cloth, wool, leather, skin or animals, or places any noisome or offensive thing, or conveys, casts, throws or puts any filth, dirt, dead carcase or other noisome or offensive thing, or bathes in any lake, river, pond, creek, spring, source or fountain which is the source of supply for such waterworks within such area as may be fixed and defined by order of the Department of Health, or causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed into the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled;

shall for every such offence incur a penalty not exceeding \$20 or may be imprisoned, without the option of a fine, for any term not exceeding one month. R.S.O. 1927, c. 249, s. 13.

**14.**—(1) For the purpose of assisting in the payment of any debentures issued for waterworks purposes, and the interest thereon, the corporation may impose a special tax in each year, during the currency of the debentures, not exceeding four mills in the dollar according to the assessed value thereof, upon the land fronting or abutting upon any highway, lane or other public communication in, through or along which the waterworks mains are laid, as well as all other land distant not more than three hundred feet therefrom, which enjoys the advantage of the use of the water for the purpose of protection against fire, whether or not the owners or occupants thereof use the water for general purposes. Power to levy special rate.

(2) The collector of taxes, upon the production by an owner or occupant using the water, of the receipt for the payment of the rate or rent chargeable for the use thereof during the year, or such proportion thereof as equals such special tax, shall remit or allow to such owner or occupant the amount so paid as a payment of or on account of such special tax. Power to remit special tax. R.S.O. 1927, c. 249, s. 14.

**15.** If one or more property owners within a municipality applies to the council for the construction of water mains and other works necessary to connect their properties with the waterworks system of the corporation the council may by by-law provide for the extension of the mains and pipes, and for all other works necessary to make such connection, and for permitting the applicants to receive the benefit of such waterworks upon such terms as the council may deem just, and the by-law may further provide that the cost of the work shall be charged as an annual special rate upon the land of the applicants, designated in the application, and such rate shall be payable, whether or not the applicants or the owners, for the time being, of the lands continue to use the water. Construction of mains, etc., for benefit of individuals. R.S.O. 1927, c. 249, s. 15.

## PART II.

### MUNICIPAL PUBLIC UTILITY WORKS OTHER THAN WATERWORKS.

**16.** In this Part, "public utility" shall mean artificial and natural gas, electrical power or energy, steam and hot water. Interpretation. R.S.O. 1927, c. 249, s. 16. "Public utility."

Power of corporation to produce and supply public utilities.

**17.**—(1) The corporation of any municipality may manufacture, procure, produce and supply for its own use and the use of the inhabitants of the municipality any public utility for any purpose for which the same may be used, and for such purposes may purchase, construct, improve, extend, maintain and operate any works which may be deemed requisite and may acquire any patent or other right for the manufacture, production or supply of any such public utility, and for any of the said purposes or for any purpose for which a public utility may be used, may acquire by purchase or otherwise fittings, fixtures, apparatus, appliances, machines, meters and other equipment and may supply or dispose of the same by sale, lease or otherwise and may provide for the installation and maintenance thereof in or upon the lands and premises of users of the public utility. 1934, c. 54, s. 17.

May sell by-products.

(2) The corporation may sell and dispose of coke, tar, and every other by-product or residuum obtained in or from its works, and any surplus coal it may have on hand.

May rent or purchase lands.

(3) The corporation may purchase or rent such land and buildings as may be deemed necessary for the purpose of its undertaking. R.S.O. 1927, c. 249, s. 17 (2, 3).

Power to expropriate lands for works.

**18.** The corporation may acquire by purchase, lease or otherwise, or may expropriate any land in the municipality which may be required for its works or any extension thereof, and the provisions of Part XV of *The Municipal Act* shall apply to the exercise by the corporation of the power to expropriate and of the power conferred by section 21. R.S.O. 1927, c. 249, s. 18.

Rev. Stat., c. 266.

Corporation may break up streets.

**19.** The corporation, for the purpose of laying down, taking up, examining, and keeping in repair the pipes, wires and rods used for the purpose of its undertaking, may break up, dig, and trench in, upon, and under the highways, lanes, and other public communications, or, with the consent of the owner, in, upon and under any private property, or may, upon poles or otherwise, conduct such wires and rods along, over and across such highways, lanes, and other public communications, or, with the consent of the owner, upon private property. R.S.O. 1927, c. 249, s. 19.

Corporation may carry pipes, wires and rods through parts of buildings to supply other parts.

**20.**—(1) The corporation may carry pipes, wires or rods, to any part of any building within the municipality parts of which belong to different owners, or are in possession of different tenants or occupants, passing over the property of any owner, or of any tenant or occupant, to convey the public utility to the part of the building to which it is to be conveyed.



(2) Such pipes, wires or rods shall be carried up and attached to the outside of the building unless consent is obtained to carry the same in the inside. R.S.O. 1927, c. 249, s. 20.

Method.

**21.** The corporation may also break up and uplift all passages common to neighbouring owners, tenants, or occupants, and dig or cut trenches therein, for the purpose of laying down pipes, wires, or rods, or taking up, examining or repairing the same, doing as little damage as may be in the execution of the powers hereby conferred, and restoring such passages to their original condition without unnecessary delay. R.S.O. 1927, c. 249, s. 21.

May also break up passages common to neighbouring proprietors.

**22.** The corporation may, from time to time and upon such terms as may be deemed advisable, enter into contracts for the supply of a public utility to any person for any period not exceeding ten years. R.S.O. 1927, c. 249, s. 22.

Contracts for supply of public utility for ten years.

**23.** A corporation possessing or intending to construct works under this Act may, under the authority of a by-law of an adjoining local municipality, exercise the like powers within the adjoining municipality, including the power to supply the public utility to owners and occupants of land in such adjoining municipality, as it may exercise within its own municipality upon such terms and conditions as may be agreed upon. R.S.O. 1927, c. 249, s. 23; 1929, c. 67, s. 1.

Power to carry works into adjoining municipalities.

### PART III.

#### ALL MUNICIPAL PUBLIC UTILITIES.

**24.** This Part shall apply to all municipal corporations owning or operating public utilities. R.S.O. 1927, c. 249, s. 24.

Application of Part.

**25.—(1)** The council may pass by-laws for the maintenance and management of the works and the conduct of the officers and others employed in connection with them, and may also by by-law or resolution fix the rates or charges for supplying the public utility and the charges to meet the cost of any work or service done or furnished for the purpose of a supply of a public utility, and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to consumers and provide for the collection of such rates, charges and rents, and the times and places when and where the same shall be payable, and for allowing for prepayment or punctual payment such discount as may be deemed expedient.

By-laws for maintenance and management of works.

Discretion  
as to rates  
to be  
charged.

(2) In fixing the rents, rates or prices to be paid for the supply of a public utility the corporation may use its discretion as to the rents, rates or prices to be charged to the various classes of consumers and also as to the rents, rates or prices at which a public utility shall be supplied for the different purposes for which it may be supplied or required.

Power to  
shut off  
supply.

(3) In default of payment the corporation may shut off the supply but the rents or rates in default shall, nevertheless, be recoverable.

Action to  
recover  
amount  
payable.

(4) The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality or to The Hydro-Electric Power Commission of Ontario shall be a debt and may be recovered by action in any court of competent jurisdiction. R.S.O. 1927, c. 249, s. 25.

Extent to  
which  
amount pay-  
able to  
form lien  
on land.

**26.**—(1) The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality or to The Hydro-Electric Power Commission of Ontario for a period not exceeding three months by the owner or occupant of any lands for the public utility supplied to him for use thereon shall be a lien and charge upon the estate or interest in such land of the person by whom such amount is due and may be collected by distress upon the goods and chattels of such person and by the sale of his estate and interest in the said lands.

Entry by  
clerk on  
collector's  
roll.

(2) The clerk of the municipality shall, upon notice to him of the amount due and of the person by whom it is due and of the lands upon which a lien is claimed, enter the same upon the collector's roll and the collector shall proceed to collect the same from the goods and chattels and the estate or interest in the lands of the person liable in the same way, as nearly as may be, as municipal taxes are collected.

Right to  
distrain.

(3) The municipal corporation or the public utility or hydro-electric commission may before taking proceedings under subsection 2, itself distrain upon the goods and chattels of the person liable to pay for the amount due for any public utility supplied to him.

Deter-  
mination of  
amount  
payable in  
case of  
dispute.

(4) In the event of the owner of the goods and chattels or of the land disputing the amount payable for the public utility, the question of the amount due may be determined by the judge of the county court upon a summary application at the instance of either party and the collector's roll or distress warrant shall, if necessary, be amended in accordance with the findings of the judge. R.S.O. 1927, c. 249, s. 26.

**27.** The officers of the corporation, when acting in the discharge of their duties under this Act, shall *ex officio* be constables. R.S.O. 1927, c. 249, s. 27.

Protection  
and powers  
of officers.

**28.** No action shall be brought against any person for any thing done in pursuance of this Act, but within six months next after the act committed, or in case there is a continuation of damage, within one year after the original cause of action arose. R.S.O. 1927, c. 249, s. 28.

Limitation  
of actions.

**29.** Materials procured under contract with the corporation, and upon which the corporation has made advances in accordance with such contract, shall be exempt from execution against the person who supplied or contracted to supply such materials. R.S.O. 1927, c. 249, s. 29.

Property  
exempt  
from  
execution.

**30.** The public utility works, and the land acquired for the purpose thereof and the property appertaining thereto, shall be specially charged with the repayment of any sum borrowed by the corporation for the purposes thereof, and for any debentures issued therefor, and the holders of such debentures shall have a preferential charge on such works, land and property for securing the payment of the debentures and the interest thereon. R.S.O. 1927, c. 249, s. 30.

Money bor-  
rowed to be  
a charge on  
works.

**31.** Subject to the provisions of section 96 of *The Power Commission Act*, and notwithstanding anything in *The Municipal Act* contained, revenues arising from supplying any public utility or from the property connected with any public utility work, after providing for the expenses and maintenance of the works, shall be paid over to the treasurer of the municipality to be applied annually to the reduction or extinguishment of the rates required to be levied under any by-law for the issue of debentures of the municipality for the construction, extension or improvement of the works, and it shall not be necessary to levy any general rate to provide for sinking fund and interest or other payments on account of such debentures, except to the extent to which the revenues on hand are insufficient to meet the annual payments falling due on account of principal and interest of the debentures. R.S.O. 1927, c. 249, s. 31.

Applica-  
tion of  
revenue  
from public  
utility.

Rev. Stat.,  
cc. 62, 266.

**32.—(1)** Subject to the provisions of subsections 4, 5 and 6 and notwithstanding the provisions of section 30, the corporation may free from any charge or lien, sell, lease or otherwise dispose of a public utility undertaking, or the whole or any part of the property, real or personal, acquired, held or used for or in connection with a public utility undertaking, which in the opinion of the council is no longer required for the purpose of the corporation or for the undertaking.

Disposal  
of public  
utility  
properties

Applica-  
tion of  
proceeds of  
disposal.

(2) The proceeds derived from any sale, lease or other disposition of such undertaking or property shall be applied in redemption and payment of any debentures of the corporation issued in respect to the public utility undertaking, or if there are no such debentures, then in case of sale or disposal of a portion only of such property the proceeds thereof shall be applied for the undertaking in connection with which the property was held or used and in case of sale or disposal of the whole of such property or of the undertaking the proceeds thereof shall form part of the general funds of the corporation and any security received or held by the corporation for any part of the consideration payable on such sale, lease or other disposition shall stand as security for said debentures or be applied for said undertaking or form part of the general funds of the corporation, as the case may be.

Approval  
necessary  
as to appli-  
cation of  
proceeds.

(3) In a case where there are no debentures to the redemption and payment of which proceeds derived from any sale or disposal of an undertaking or property may be applied, such proceeds may be applied in redemption of other debentures of the corporation or with the approval of the Ontario Municipal Board may be applied for purposes of a capital nature; provided that where portion only of the property of an undertaking for the supply of electrical power or energy obtained from The Hydro-Electric Power Commission of Ontario is sold or disposed of the proceeds shall be applied only as the said Commission may approve. \*

When  
assent of  
electors  
requisite.

Rev. Stat.,  
c. 266.

(4) A corporation shall not sell, lease or otherwise dispose of the whole of a public utility undertaking or the whole of the property acquired, held or used for or in connection with a public utility undertaking without the assent of the electors qualified to vote on money by-laws first being obtained thereto in the manner provided by *The Municipal Act* with respect to a money by-law requiring the assent of the electors.

When  
approval of  
Ontario  
Municipal  
Board  
requisite for  
sale.

(5) A corporation shall not sell, lease or otherwise dispose of a portion only of the property acquired or held for or in connection with a public utility undertaking so long as such portion is actually used for the purposes of the undertaking, except with the approval of the Ontario Municipal Board, and on such application the said Board may direct that the assent shall first be obtained of the electors qualified to vote on money by-laws in the manner aforesaid.

When  
assent of  
Power Com-  
mission  
requisite.

(6) A corporation shall not sell, lease or otherwise dispose of the whole of the public utility undertaking for the supply of electrical power or energy obtained directly or indirectly from The Hydro-Electric Power Commission of Ontario or of the whole of the property acquired, held or used for or in



connection therewith or of any part thereof which is no longer required for the undertaking or for the purpose of the corporation, or for so long as such undertaking is being operated by or for the corporation, sell, lease or otherwise dispose of any part of the property which is actually used for the purposes of the undertaking, without the assent of The Hydro-Electric Power Commission of Ontario first being obtained thereto.

(7) Where the powers of a corporation with respect to a public utility undertaking are exercised by a commission, the council shall upon the request of the commission submit to the qualified electors a by-law to authorize any sale, lease or other disposition of the undertaking or the whole or any part of the property acquired, held or used for or in connection therewith which under the provisions of this section is required to be assented to by the electors.

Procedure when a commission operates a utility.

(8) Subsections 4, 5 and 6 shall not apply to a lease for a term not exceeding five years of a portion of the property of a public utility undertaking.

Short leases excepted.

(9) This section shall apply to sales, leases and other dispositions of a public utility undertaking and of any property acquired, held or used for or in connection with a public utility undertaking, completed subsequent to the 1st day of March, 1931. 1931, c. 57, s. 2.

Application of section.

#### PUBLIC UTILITY COMMISSION.

**33.**—(1) Subject to the provisions of subsections 2, 3, 4, 5 and 6 the council of a municipal corporation which owns or operates works for the production, manufacture or supply of any public utility or is about to establish such works, and the council of a township corporation which has entered into a contract with The Hydro-Electric Power Commission of Ontario for a supply of electrical power or energy in the township, may, by by-law passed with the assent of the municipal electors, provide for entrusting the construction of the works and the control and management of the same to a commission to be called "The Public Utilities Commission of the (*naming the municipality*)," or in the case of such township, "The Hydro-Electric Commission of the Township of (*naming the township*)," or to a commission established under this Part.

Establishment of municipal commission.

(2) Where the corporation of a village has entered into a contract with The Hydro-Electric Power Commission of Ontario, under *The Power Commission Act*, for a supply of electrical power or energy a commission may be established by by-law of the council under the provisions of this Part for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of such electrical power or

Appointment of commission for village.

Rev. Stat., c. 62.

energy, and it shall not be necessary that such by-law receive the assent of the electors.

Village commissions heretofore established.

(3) Every such commission heretofore established by the council of a village shall be deemed to have been lawfully established, and the by-law establishing such commission shall be deemed to be and to have been legal, valid and binding from the time of the passing thereof, notwithstanding that such by-law was passed and such commission was established without the assent of the electors first having been obtained.

Repeal of village by-law establishing commission.

(4) A by-law passed by the council of a village for the establishment of a commission without the assent of the electors may be repealed by the council at any time and it shall not be necessary to obtain the assent of the electors to such repeal.

Assent of electors.

(5) Where a by-law establishing a commission in a village has been passed with the assent of the electors the by-law may be repealed with the like assent.

Effect of repeal.

(6) Upon the repeal of a by-law establishing a commission under this section, the control and management of the works shall be vested in the council and the commission shall cease to exist. R.S.O. 1927, c. 249, s. 33.

Commissions established under R.S.O. 1897, cc. 235, 234, continued.

**34.** A commission established under *The Municipal Waterworks Act*, or *The Municipal Light and Heat Act*, or under a special Act for the construction or the control and management of works for the manufacture, production or supply of any public utility shall be deemed to be a commission established under this Part and the provisions of this Part shall apply to it. R.S.O. 1927, c. 249, s. 34.

One commission for several public utilities.

**35.—**(1) Where a commission has been established under this Part as to any public utility and the corporation desires to entrust the control and management of any other public utility works to a commission, subject to subsection 3, such control and management shall be entrusted to the commission so established, or if there is more than one commission so established to one of them, or the by-law may provide for placing under the control and management of one commission all public utility works owned by the corporation.

Name.

(2) Where the construction of any other public utility works and the control and management of them is entrusted to any of the commissions mentioned in section 34, such commission thereafter shall be called "The Public Utility Commission of the (*naming the municipality*)."

(3) Where the corporation of a city or town has entered into a contract with The Hydro-Electric Power Commission of Ontario for the supply of electrical power or energy a commission shall be established under the provisions of this Part for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of such electrical power or energy and for the purposes of this subsection it shall not be necessary that the by-law receive the assent of the electors, or such control and management shall be entrusted to an existing public utilities commission, and, where the commission is not entrusted with the control and management of any other public utility, it shall be called "The Hydro-Electric Commission of the (*naming the municipality*)."

Special provisions as to Hydro-Electric Commission.

(4) Subsection 3 shall be subject to the provisions of any special Act providing for the control and management of such works.

Special Act not affected.

(5) A by-law of the council, for the purposes mentioned in subsection 3, shall not be repealed without the consent of The Hydro-Electric Power Commission of Ontario.

Certain by-laws not to be repealed.

(6) If no commission has been established under this Part to which the control and management of a sewerage system, to which paragraph 10 of section 414 of *The Municipal Act* applies, may be entrusted, a commission may be established under this Part, for the control and management of such sewerage system, and the provisions of this Part shall apply to it. R.S.O. 1927, c. 249, s. 35.

Provision for management of sewerage system.

Rev. Stat., c. 266.

**36.**—(1) Subject to subsection 4, where a commission has been established under this Part and the members thereof have been elected or where the control and management of any other public utility works are entrusted to a commission established under this Part, all the powers, rights, authorities and privileges which are by this Act conferred on a corporation shall, while the by-laws for establishing the commission or entrusting it with such control and management remain in force, be exercised by the commission and not by the council of the corporation. 1931, c. 57, s. 3.

Powers of commission.

(2) The officers and employees of the corporation shall be continued until removed by the commission unless their engagement sooner terminates. R.S.O. 1927, c. 249, s. 36 (2).

Officers of corporation to hold office.

(3) Every officer, employee and servant of a commission shall hold office during the pleasure of the commission. 1936, c. 53, s. 2 (1).

Officers, etc., to hold office during pleasure.

Council to provide money required for works.

Rev. Stat., c. 269.

(4) Nothing contained in this section shall divest the council of its authority with reference to providing the money required for such works, and the treasurer of the municipality shall, upon the certificate of the commission, pay out any money so provided, nor shall anything in this Act divest the council of the rights and powers conferred upon it by *The Local Improvement Act*. R.S.O. 1927, c. 249, s. 36 (3).

Number of commissioners.

**37.**—(1) A commission established under this Part shall be a body corporate and shall consist of three or five members as may be provided by the by-law, of whom the head of the council shall *ex officio* be one and the others shall be elected at the same time and place and in the same manner as the head of the council, and subject to subsection 2 the elected members shall hold office for two years and until their successors are elected and the new commission is organized.

Term of office.

(2) One-half of the first elected members shall hold office for two years and the other one-half for one year, and shall continue in office until their successors are elected and the new commission is organized.

Term of office to be determined by lot.

(3) At the first meeting of the commission after the first election the members who are to hold office for two years shall be chosen by lot.

Provisions as to mode of election of, etc.

Rev. Stat., c. 266.

(4) Except where otherwise expressly provided the provisions of Parts II, III and IV of *The Municipal Act* which are applicable to members of the council of a local municipality shall apply *mutatis mutandis* to the commissioners to be elected under the provisions of this Part. R.S.O. 1927, c. 249, s. 37.

Filling of vacancies.

**38.**—(1) Where a vacancy in the commission occurs from any cause the council shall immediately appoint a successor who shall hold office during the remainder of the term for which his predecessor was elected.

Quorum.

(2) A majority of the commissioners shall constitute a quorum of the commission. R.S.O. 1927, c. 249, s. 38.

Salary of commissioners.

**39.**—(1) The salary, if any, of the commissioners shall from time to time be fixed by the council and no member of the council, except the head thereof, shall at the same time be a member of the commission. R.S.O. 1927, c. 249, s. 39 (1).

Salaries of municipal commissioners to be approved by Power Commission.

(2) Where a commission is established which has the control and management of works constructed for the distribution of electrical power or energy supplied by The Hydro-Electric Power Commission of Ontario, the salary or other remuneration of the commissioners, so far as the same is chargeable



to such works, shall be subject to the approval of The Hydro-Electric Power Commission of Ontario, and when such approval has been given such salary or other remuneration shall not be changed or discontinued by the council without the consent of The Hydro-Electric Power Commission of Ontario. R.S.O. 1927, c. 249, s. 39 (2) ; 1928, c. 41, s. 1.

(3) Where a commission is established which has the control and management of works constructed for the distribution of electrical power or energy supplied by The Hydro-Electric Power Commission of Ontario and also the control and management of works for one or more other public utilities, no utility shall be charged with more than its *pro rata* share (according to the number of utilities operated) of any costs, charges and expenditures incurred or made by such commission for any joint purpose, including rents and the salaries of the joint employees without the consent and approval of The Hydro-Electric Power Commission of Ontario. R.S.O. 1927, c. 249, s. 39 (3).

Approval of  
commission  
as to share  
of costs.

(4) Where electrical power or energy received under contract from The Hydro-Electric Power Commission of Ontario is being distributed in a municipality the electric utility shall not be charged with more than its *pro rata* share approved by The Hydro-Electric Power Commission of Ontario, of any costs, charges and expenditures incurred or made jointly for the purpose of such utility and for any other municipal purpose including in such costs, charges and expenditures all rents and the salaries and wages of joint employees. 1931, c. 57, s. 4.

Approval of  
Power  
Commis-  
sion as to  
sharing cost  
with munici-  
pality.

**40.**—(1) The council may, by by-law passed with the assent of the municipal electors, repeal any by-law passed under sections 33, 34 and 35.

Repeal of  
by-law.

(2) Where a by-law is repealed the council shall apportion the current year's salary of the commissioners, and any officer or employee of the commission shall be continued until removed by the council unless his engagement sooner terminates. R.S.O. 1927, c. 249, s. 40.

Apportion-  
ment of  
salaries.

**41.**—(1) Separate books and accounts of the revenues derived from every public utility under its management shall be kept by the commission, and such books and accounts shall also be kept separate from the books and accounts relating to the other property, funds, or assets connected with such public utility, and such books and accounts shall be open to inspection by any person appointed for that purpose by the council.

Book of  
accounts.

Regulation  
of system  
of book-  
keeping.  
Rev. Stat.,  
c. 59.

(2) Subsection 1 shall be subject to section 8 of *The Department of Municipal Affairs Act*. R.S.O. 1927, c. 249, s. 41.

Annual  
statement  
to council.

**42.**—(1) The commission shall on or before the 1st day of April in each year or upon such other day as the council may direct, furnish to the council a statement of affairs of each public utility undertaking, including in respect of each such undertaking,—

- (a) the number of customers supplied during the previous calendar year;
- (b) a balance sheet of assets and liabilities, including the value of the physical property, the amount of the sinking fund and the amount of current assets, also the amount of outstanding debentures and of current liabilities;
- (c) a statement of revenue and expenditure, including the amount received from customers and the amount of other revenue, if any, also the amount expended for operation and maintenance, improvements and extensions, and for salaries and other office and management expenses, and the amount paid or set aside for interest, principal and sinking fund on the debentures. 1931, c. 57, s. 5.

Informa-  
tion for  
council.

(2) The commission shall also furnish such information as from time to time may be required by the council.

Audit of  
accounts.

(3) The accounts of the commission shall be audited by the auditors of the corporation, and the commission and its officers shall furnish to the auditors such information and assistance as may be in their power to enable the audit to be made. R.S.O. 1927, c. 249, s. 42 (2, 3).

Commis-  
sion's  
auditors.

(4) The commission may, if it so desires, appoint auditors to audit the accounts of the commission, the expense to be borne by the utility. 1931, c. 57, s. 6.

Records of  
proceed-  
ings.

**43.** A book wherein shall be recorded all the proceedings of the commission shall be kept and shall be open to inspection by any person appointed for that purpose by the council. R.S.O. 1927, c. 249, s. 43.

Revenues to  
be paid to  
municipal  
treasurer.

**44.** The revenues, after deducting disbursements, shall, quarterly or oftener if the council so directs be paid over to the treasurer of the municipality, and shall be by him placed

to the credit of the account of the public utility work, and if not required for the purpose of the work shall form part of the general funds of the corporation. R.S.O. 1927, c. 249, s. 44.

#### PART IV.

##### ALL MUNICIPAL AND COMPANY PUBLIC UTILITIES.

**45.** This Part shall apply to all municipal or other corporations owning or operating public utilities. R.S.O. 1927, c. 249, s. 45. Application of Part.

**46.**—(1) Any person authorized by the corporation for that purpose shall have free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other premises to which any public utility is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any service pipe, wire or rod, within or without the building, or for placing meters upon any service pipe or connection within or without the building as he may deem expedient and for that purpose or for the purpose of protecting or regulating the use of such meter, may set it or alter the position of it, or of any pipe, wire, rod, connection or tap, and may alter or disconnect any service pipe. Inspection of premises.

(2) The corporation may fix the price to be paid for the use of such meter, and the times when and the manner in which the same shall be payable, and may also recover the expense of such alterations, and such price, and the expense of such alterations, may be collected in the same manner as rents or rates for the supply of a public utility. Prices for use of meters.

(3) Where a consumer discontinues the use of the public utility, or the corporation lawfully refuses to continue any longer to supply it, the officers and servants of the corporation may, at all reasonable times, enter the premises in or upon which such consumer was supplied with the public utility, for the purpose of cutting off the supply of such utility or of making an inspection from time to time to determine whether such utility has been or is being unlawfully used or for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the corporation in or upon such premises, and may remove the same therefrom, doing no unnecessary damage. R.S.O. 1927, c. 249, s. 46 (1-3). Removal of fittings from premises of consumers.

(4) Any corporation before supplying any public utility to any person or to any building or premises, or as a condition of continuing to supply the same, may require any consumer to Power to require security from consumer.

give reasonable security for the payment of the proper charges therefor or for carrying the public utility into such building or premises. 1931, c. 57, s. 7.

Property of  
corporation  
exempt  
from  
distress.

**47.** No property of the corporation used for or in connection with the supply of any public utility shall be liable to be seized for rent due to the landlord of any land or building whereon or wherein the same may be or under execution against the owner or occupant of the land or building. R.S.O. 1927, c. 249, s. 47.

Liability of  
persons  
doing  
damage.

**48.** Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any public utility works, or to any plant, machinery, fitting or appurtenances thereof shall be liable to the corporation therefor. R.S.O. 1927, c. 249, s. 48.

Penalty for  
wilful  
damage.

**49.** Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any meter, lamp, lustre, service pipe, conduit, wire, rod, or fitting belonging to the corporation, or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the meter indicates less than the actual amount of the public utility which passes through it, shall incur a penalty, to the use of the corporation, for every such offence, of not less than \$4 or more than \$20, and shall also be liable for the expenses of repairing or replacing such meter, lamp, lustre, service pipe, conduit, wire, rod or fitting and double the value of the surplus public utility so consumed, all of which, including the penalty, shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 249, s. 49.

Rev. Stat.,  
c. 136.

Penalty for  
injuring  
public  
utility  
works.

**50.** Every person who wilfully extinguishes any public lamp or light, or wilfully removes, destroys, damages, fraudulently alters or in any way injures any pipe, conduit, wire, rod, pedestal, post, plug, lamp or other apparatus or thing belonging to the corporation shall incur a penalty, to the use of the corporation, of not less than \$4 or more than \$20, and shall also be liable for all damages occasioned thereby, all of which shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 249, s. 50.

Rev. Stat.,  
c. 136.

Corpora-  
tion con-  
structing  
works to  
supply  
buildings on  
line of sup-  
ply, on  
request.

**51.** Where there is a sufficient supply of the public utility the corporation shall supply all buildings within the municipality situate upon land lying along the line of any supply pipe, wire or rod, upon the request in writing of the owner, occupant or other person in charge of any such building. R.S.O. 1927, c. 249, s. 51.



**52.**—(1) Main pipes or conduits for carrying or conveying any public utility underground in any highway, lane or public communication shall not be laid down therein by a municipal corporation or company within the distance of six feet of the main pipes or conduits for carrying or conveying any public utility underground of any person without the consent of such person, or the authority of the Ontario Municipal Board.

Prohibition as to laying main pipes and conduits within 6 feet of existing ones.

(2) The Board, upon the application of the corporation or company, and after notice to such person and hearing any objections which may be made, may authorize the main pipes or conduits to be laid down within such distance less than six feet as may be deemed proper, and all main pipes and conduits laid down in accordance with such authority shall be deemed to have been laid down under statutory authority and to be lawfully laid down, and may be maintained and operated by the corporation or company without its incurring any liability to such person in respect of the construction, maintenance or operation of them, except that provided for by subsection 5, any general or special statute or law to the contrary notwithstanding.

Ontario Municipal Board may grant leave to lay pipes within less than 6 feet.

(3) Such authority may be granted subject to such conditions as the Board may deem necessary to prevent injury to the main pipes or conduits of such person, or to such person, his servants and workmen, in maintaining, repairing and operating them.

Conditions.

(4) The powers conferred by this section may be exercised from time to time as occasion may require.

Exercise of powers.

(5) If any damage or injury is done to the main pipes or conduits of such person, or is occasioned in the maintenance of them, by reason of the main pipes or conduits of the corporation or company being laid down at a less distance than six feet from the main pipes or conduits of such person, no action shall lie in respect thereof, but the corporation or company doing such damage or injury shall make due compensation therefor, and any question or dispute as to such damage or injury having been so done or occasioned, or as to the amount of compensation, shall be determined by arbitration, and the provisions of *The Municipal Act* shall apply *mutatis mutandis*.

Compensation for damages.

Rev. Stat., c. 266.

(6) The person claiming damages shall, within one month after the expiration of any calendar year in which he claims that any such damage or injury has been so done or occasioned, give notice in writing to the corporation of his claim and the particulars thereof, and upon failure to do so, the

Claim for damages.

right to compensation in respect of the damage or injury done or occasioned during that calendar year shall be forever barred. R.S.O. 1927, c. 249, s. 52.

Recovery of penalties.

Rev. Stat., c. 136.

**53.** Except where otherwise expressly provided, all penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 249, s. 53.

## PART V.

### ALL COMPANY PUBLIC UTILITIES.

Application of Part.

**54.** This Part shall apply to every company heretofore or hereafter incorporated for the purpose of supplying any public utility. R.S.O. 1927, c. 249, s. 54.

Conditions precedent to company carrying on business or expropriating land.

Rev. Stat., c. 277.

**55.**—(1) The company shall not exercise any of its powers within a municipality unless and until a by-law of the council of the municipality has been passed with the assent of the municipal electors where such assent is required by *The Municipal Franchises Act* authorizing the company to exercise the same and the company when so authorized may exercise any of the powers of expropriation conferred on a municipal corporation by Parts I and II, if the power to expropriate is conferred on it by the letters patent incorporating the company or by supplementary letters patent.

Power to carry pipes through land within 10 miles of municipality.

(2) Subject to subsection 1, a company may conduct any of its pipes or carry any of its works through the land of any person lying within ten miles of the municipality for supplying which the company was incorporated.

Expropriation.

Rev. Stat., c. 259.

(3) The powers of expropriation conferred on a company shall be exercised under and in accordance with the provisions of *The Railway Act*. R.S.O. 1927, c. 249, s. 55.

Remedy for price of public utility furnished.

**56.** If any person supplied with any public utility neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company, or any person acting under its authority, on giving forty-eight hours' previous notice, may stop the supply from entering the premises of such person by cutting off the service pipes, or by such other means as the company or its officers may deem proper, and the company may recover the rent or charge due up to that time, together with the expenses of cutting off the supply, notwithstanding any contract to furnish it for a longer time. R.S.O. 1927, c. 249, s. 57.

**57.** Where a natural gas company or natural gas transmitting company produces or transmits gas for export, the price or charge at which the same shall be supplied shall be subject to regulation by the Lieutenant-Governor in Council. R.S.O. 1927, c. 249, s. 58.

Charges by  
exporting  
gas com-  
panies.

**58.** The provisions of sections 5, 6 and 7, except as to the manner of recovering charges and expenses, sections 9, 10 and 11 as to making agreements for a supply of water to a railway company, manufactory or builder, and sections 13, 16, 17, 19, 20, 21 and 22, shall, *mutatis mutandis*, apply to a company. R.S.O. 1927, c. 249, s. 59.

General  
powers.

## PART VI.

### ACQUIRING WORKS FROM COMPANIES.

**59.—(1)** Where a by-law of the council of an urban municipality is passed with the assent of the electors entitled to vote on money by-laws declaring that it is expedient to acquire the works of a company, incorporated on or after the 10th day of March, 1882, for the purpose of supplying within such municipality any public utility, the corporation may take possession of the works of the company and all property used in connection therewith for the purposes of supplying such public utility, whether the works and property, or any of them, are within or without the municipality, and shall pay therefor at a valuation to be determined by arbitration under *The Municipal Act*, subject to the provisions hereinafter mentioned.

Municipalities may  
acquire  
works of  
company on  
payment  
therefor.

Rev. Stat.,  
c. 266.

(2) The arbitrators, in determining the amount to be paid for such works and property, shall first determine the actual value thereof, having regard to what the same would cost if the works should be then constructed, or the property then bought, making due allowance for deterioration, wear and tear, and all other proper allowances, and shall increase the amount so ascertained by ten per centum thereof, which increased sum the arbitrators shall award as the amount to be paid by the corporation to the company, with interest from the date of their award.

Mode of  
computing  
value.

(3) The amount shall be paid within six months from the date of the award, and the council shall take all requisite steps for providing the amount, and it shall not be necessary that a by-law passed for borrowing the amount shall receive the assent of the electors.

Time within  
which  
amount to  
be paid.

(4) The council may, without submitting the question to the vote of the electors, take the proceedings authorized by

Determin-  
ation of  
value  
without  
assent of  
electors.

subsection 1 for determining the amount to be paid for such works and property, upon notice to the company that the corporation intends to acquire the works and property by arbitration, under the provisions of this Act; but in such case any by-law for raising money to pay therefor shall require the assent of the electors and until the by-law is finally passed, the corporation shall not, unless with the consent of the company, take possession of the works or property, and in the event of the by-law not being passed, the corporation shall indemnify the company for all costs it has been put to in and about the arbitration.

Amount  
may be  
settled by  
agreement.

(5) The council and the company may agree as to the amount to be paid for the works and property or any of them.

If amount  
not paid,  
rights of  
company to  
revive.

(6) If the amount awarded, or agreed to be paid, to the company is not paid within six months after the time at which it is payable, the company may resume possession of its works and property, and all its rights in respect thereof shall thereupon revive.

Existing  
companies  
may con-  
sent to be  
bound by  
above pro-  
visions.

(7) Any company incorporated before the 10th day of March, 1882, may, by by-law, declare that such company consents to be bound by the provisions of this section, and upon the passing of the by-law, this section shall apply to the company.

Limitations  
as to  
by-laws.

(8) A by-law may be passed under subsection 1, with respect to a company incorporated before the 10th day of March, 1882, if an agreement has been made between the company and the corporation under which the corporation has the right at any time, or at any time after a date thereby fixed, not being later than ten years from the date of the agreement, to acquire the works of the company and all property used in connection therewith for such purposes, at a valuation to be determined by arbitration under *The Municipal Act*.

Rev. Stat.,  
c. 266.

Certain  
rights not  
affected.

(9) Nothing in this section shall affect the right of a municipal corporation to acquire the works and property of any public utility company by agreement with the company, or any right of acquisition which has been or may be secured by any such corporation independently of the provisions of this section. R.S.O. 1927, c. 249, s. 60.

#### TAKING STOCK, ETC., IN COMPANIES.

Power to  
subscribe  
for stock,  
etc.  
Rev. Stat.,  
c. 266.

**60.**—(1) Subject to the provisions of *The Municipal Act*, the corporation of any municipality which has power to construct such works, and in which the public utility works of a company are situate, may subscribe for shares or take stock



in the company or may loan money to it on mortgage or otherwise or guarantee payment of money borrowed by it.

(2) The head of a municipality, the corporation of which holds stock in any such company to the extent of one-tenth or more of the whole of the capital stock, shall be *ex officio* a director of the company so long as the corporation continues to hold stock to that extent. R.S.O. 1927, c. 249, s. 61.

When the head to be a director.

## PART VII.

### COMMISSION FOR RAILWAYS AND TELEPHONES.

**61.** The council of a municipal corporation, which owns or operates, or is about to establish any of the following works,—

Commission to construct and manage railways and telephones.

(a) a railway, an electric railway, a street railway, or an incline railway;

(b) telephone systems, or lines;

may, by by-law passed with the assent of the municipal electors, provide for entrusting the construction of the work and the control and management of it to a commission, to be called "The Public Service Commission of the (*naming the municipality*)" or to an existing public utilities commission established under the authority of this Act, and if such a by-law is passed, the provisions of sections 33 to 44 shall apply *mutatis mutandis* to the commission to which the construction, control and management of the work are entrusted and to the work. R.S.O. 1927, c. 249, s. 62.

## PART VIII.

### MISCELLANEOUS.

**62.** Nothing in this Act shall affect the provisions of sections 88 to 96 of *The Power Commission Act*, and they shall continue to apply to the cases to which they now apply. R.S.O. 1927, c. 249, s. 63.

Certain provisions of Rev. Stat., c. 62, not affected.

**63.**—(1) After the same have first been submitted to and approved of by the Lieutenant-Governor in Council, by-laws may be passed by the councils of all municipalities to prohibit the sale or distribution within the municipality of natural or manufactured gas containing sulphuretted hydrogen.

Prohibition of sale of gas containing sulphuretted hydrogen.

(2) If a company contravenes the provisions of any such by-law or after the passing of such by-law neglects or refuses to furnish a supply sufficient for all public and private uses

Forfeiture of franchise for contravention of by-law.

of gas not containing sulphuretted hydrogen, any right, privilege or franchise which it possesses for the sale or distribution of natural or manufactured gas within the municipality shall *ipso facto* come to an end and be determined.

Applica-  
tion to  
Ontario  
Municipal  
Board for  
declaration  
as to con-  
travention.

(3) The corporation may apply to the Ontario Municipal Board for a declaration that the company has contravened the provisions of the by-law, or that, after the passing of such by-law, it has neglected or refused to supply gas not containing sulphuretted hydrogen, as provided by subsection 2, and the Board on proof to its satisfaction that the company has done so may make the declaration, and the fact of such contravention or neglect or refusal shall be thereby conclusively established.

Right of  
action to  
restrain  
sale.

(4) After the passing of such by-law, the corporation shall also have the right to bring and maintain an action to restrain the sale or distribution within the municipality of natural or manufactured gas containing sulphuretted hydrogen.

Removal  
of mains,  
pipes.

(5) Upon application by a municipal corporation to the Ontario Municipal Board and upon proof of the sale or distribution of natural or manufactured gas containing sulphuretted hydrogen within such municipality after the passing of a by-law prohibiting the same, an order shall be made for the removal by the company so selling or distributing, of its conduits, mains, pipes and works from such municipality, but not including those used only for the purpose of transportation through the municipality to another municipality, and in default of such removal within the time limited by such order, then for the removal thereof by the corporation at the expense of the company.

Restora-  
tion of con-  
dition of  
highways.

(6) Upon such removal, such company shall restore the highways to as good a condition as they were in prior to such removal and in default thereof within the time limited by the order of the Ontario Municipal Board, the corporation may do so at the expense of the company, and the expense incurred by the corporation in such removal and restoration shall be recoverable in any court of competent jurisdiction.

Applica-  
tion of  
section.

(7) This section shall apply to every company incorporated before or after the passing of this section and whether by special Act or under the provisions of any general Act.

No action  
for for-  
feiture of  
franchise.

(8) No action shall lie or be maintainable by a company against any municipal corporation for or by reason or on account of the forfeiture under the provisions of this section of any right, privilege or franchise of the company in the municipality. R.S.O. 1927, c. 249, s. 64.

## CHAPTER 287.

## The Vacant Land Cultivation Act.

- 1.** The councils of cities, towns and villages may pass by-laws,—  
Power to grant permits to cultivate vacant land
- (a) for granting permits to any person to enter upon, hold and use for the purpose only of cultivating it and raising thereon such crops as may be prescribed by the by-law or permit any vacant land in the municipality for such period not extending beyond the current year and on such terms and conditions as may be thought proper and for regulating and controlling the use of such land by any holder of a permit;
- (b) for revoking any permit for failure to comply with the terms and conditions of the by-law or of the regulations or whenever the council determines that the land is immediately required by the owner for building or manufacturing or other revenue producing purposes. R.S.O. 1927, c. 250, s. 1.  
Revoking permit.
- 2.** The fee for the permit shall not exceed \$1. R.S.O. 1927, c. 250, s. 2.  
Fee.
- 3.** Before issuing a permit with respect to any parcel of land notice of the intention of the council to issue permits with respect to it and fixing a day for hearing any objections which he may desire to make shall be left with the owner or transmitted to him by post to the address of his residence or place of business in the municipality if he resides or has a place of business there and if he is not resident in the municipality, then by post to his last known place of residence. R.S.O. 1927, c. 250, s. 3.  
Hearing objections.
- 4.** The council shall not issue a permit with respect to any parcel of land if the owner of it shows to the satisfaction of the council that it will be required by him during the current year for building or manufacturing or other revenue producing purposes. R.S.O. 1927, c. 250, s. 4.  
When permit not to issue.
- 5.** No compensation shall be paid to any owner or other person interested in such land for or on account of the exercise of the powers conferred by this Act. R.S.O. 1927, c. 250, s. 5.  
No compensation to owner.

Compensa-  
tion to  
holder if  
permit  
revoked.

**6.** If the council revokes a permit because it has determined that the land is immediately required by the owner for building, manufacturing or other revenue producing purposes, it shall pay to the holder of the permit for the loss occasioned by such revocation such compensation not exceeding \$50 in the case of any one permit as may be agreed upon, and in case of failure to agree, as may be determined by the magistrate, or if there is no magistrate by a justice of the peace having jurisdiction in the municipality on the application of the council or of the holder of the permit and the fee of the magistrate or justice of the peace for determining the compensation shall be not more than \$2, of which half shall be paid by the holder and half by the corporation. R.S.O. 1927, c. 250, s. 6.

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## CHAPTER 288.

## The Highway Traffic Act.

## 1. In this Act,—

Interpreta-  
tion.

- (a) "Chauffeur" shall mean any person who operates a motor vehicle and receives compensation therefor; "Chauf-  
feur."
- (b) "Commercial motor vehicle" shall mean any motor vehicle having permanently attached thereto a truck or delivery body and shall include ambulances, hearses, casket wagons, fire apparatus, police patrols, motor buses and tractors used for hauling purposes on the highways; "Commer-  
cial motor vehicle."
- (c) "Department" shall mean Department of Highways; "Depart-  
ment."
- (d) "Garage" shall mean every place or premises where motor vehicles are received for housing, storage or repairs for compensation; "Garage."
- (e) "Gross weight" shall mean the combined weight of vehicle and load; "Gross  
weight."
- (f) "Highway" shall include a common and public high- way, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles; R.S.O. 1927, c. 251, s. 1 (a-f). "High-  
way."
- (g) "Intersection" shall mean the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway crosses the other; 1933, c. 20, s. 2. "Intersec-  
tion."
- (h) "Minister" shall mean Minister of Highways; R.S.O. 1927, c. 251, s. 1 (g); 1931, c. 54, s. 2. "Minister."
- (i) "Motor vehicle" shall include automobile, motor bicycle, and any other vehicle propelled or driven otherwise than by muscular power; but shall not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a traction engine within the meaning of this Act; R.S.O. 1927, c. 251, s. 1 (h). "Motor  
vehicle."

- "Official sign." (j) "Official sign" shall mean a sign approved by the Department; 1937, c. 30, s. 2 (2).
- "Operator." (k) "Operator" shall mean any person other than a chauffeur who operates a motor vehicle on a highway;
- "Peace officer." (l) "Peace officer" shall include a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer, justice of the peace, gaoler or keeper of a prison, and a police officer, constable, bailiff, or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process, or any officer appointed for enforcing or carrying out the provisions of this Act; R.S.O. 1927, c. 251, s. 1 (*i, j*).
- "Public vehicle." (m) "Public vehicle" shall mean any motor vehicle operated on a highway by, for or on behalf of any person who receives compensation either directly or indirectly for the transportation of passengers, or passengers and express freight which might be carried in a passenger vehicle, but shall not include the cars of electric or steam railways running only upon rails, nor motor vehicles operated solely within the corporate limits of one urban municipality; 1937, c. 30, s. 2 (1).
- "Registrar." (n) "Registrar" shall mean the Registrar of Motor Vehicles appointed under this Act; 1930, c. 47, s. 2.
- "Safety glass." (o) "Safety glass" shall mean any product composed of glass so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other or similar product as may be approved by the Department; 1935, c. 26, s. 2.
- "Solid tires." (p) "Solid tires" shall mean all tires other than pneumatic tires;
- "Trailer." (q) "Trailer" shall mean any vehicle which is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry temporarily drawn, propelled, or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;
- "Vehicle." (r) "Vehicle" shall include motor vehicle, trailer, traction engine and any vehicle drawn, propelled, or driven by any kind of power, including muscular power, but not including the cars of electric or steam railways

running only upon rails. R.S.O. 1927, c. 251, s. 1 (*l-n*).

**2.**—(1) There shall continue to be a Registrar of Motor Vehicles who shall be appointed by the Lieutenant-Governor in Council. Registrar of Motor Vehicles.

(2) The Registrar shall act under the instructions of the Minister and shall have general supervision over all matters relating to highway traffic within Ontario, and shall perform such duties as are assigned to him by this Act, by the Lieutenant-Governor in Council, or by the Minister. 1930, c. 47, s. 3. Duties.

## PART I.

### REGISTRATION AND PERMITS.

**3.**—(1) The owner of every motor vehicle or trailer shall register the same with the Department before driving or operating or causing the same to be driven or operated upon a highway and shall pay to the Department a fee for the registration of such motor vehicle or trailer, and for the number plates therefor and, on failure to do so, shall incur, for the first offence, a penalty of not less than \$10 and not more than \$50; for the second offence, a penalty of not less than \$20 and not more than \$100, and in addition, his license or permit may be suspended for any period not exceeding thirty days; and, for any subsequent offence, shall incur a penalty of not less than \$50 and not more than \$200, and shall also be liable to imprisonment for any term not exceeding thirty days. Registration of motor vehicles.

(2) The Department shall issue for each motor vehicle or trailer so registered a numbered permit stating that such motor vehicle or trailer is registered in accordance with this Act, and shall cause the name of such owner, his address and the number of his permit, to be entered in a book to be kept for such purpose. Permits for vehicles.

(3) The Minister may give authority to any person to issue permits for motor vehicles and may define the duties and powers of such person, and, where the salary is not otherwise provided, may authorize and fix the fee to be retained by the person so authorized for each permit issued. Local issuance of motor vehicle permits.

(4) Declarations or affidavits in connection with the issuance of permits and licenses under this Act or required by the Department in that regard, may be taken before any person having authority to administer oaths or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor. Administration of declarations and affidavits.

Regulations.

(5) The Lieutenant-Governor in Council may make regulations regarding the renewal and transfer of such permits, the payment of fees therefor, the amount and time of payment of such fees, and also the registration and operation of motor vehicles or trailers owned by manufacturers or dealers and not kept by them for private use. R.S.O. 1927, c. 251, s. 2.

Penalty for false statement.

4.—(1) Any person who knowingly makes any false statement of fact in any application, declaration, affidavit or paper-writing required by this Act or by the regulations or by the Department in order to procure the issuance to him of a license, permit or certificate of registration shall in addition to any other penalty or punishment to which he may be liable incur, for the first offence a penalty of not less than \$20 and not more than \$100, and in addition, his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than \$50 and not more than \$200, and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition, his license or permit may be suspended for any period not exceeding six months.

Notice of change of address.

(2) Where an owner changes his address as given under subsection 2 of section 3, he shall within six days send by registered letter or cause to be filed in the Department his change of address, and every subsequent change of address, and on failure to do so shall incur, for the first offence, a penalty of not less than \$10 and not more than \$50; for the second offence, a penalty of not less than \$20 and not more than \$100, and in addition his license or permit may be suspended for any period not exceeding thirty days; and for any subsequent offence shall incur a penalty of not less than \$50 and not more than \$200 and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition, his license or permit may be suspended for any period not exceeding six months.

No permit where serial number obliterated.

(3) No permit shall be issued for a motor vehicle where the manufacturer's serial number or similar identifying mark has been obliterated or defaced, until the owner has filed with the Department satisfactory proof of the ownership of the vehicle, and, if known, the reason for such obliteration or defacement, and if satisfied as to the statements made, the Minister may grant permission to cut, impress, emboss, or attach permanently to such vehicle a special identification number or mark which thereafter shall be deemed sufficient for the purpose of registration of such vehicle. R.S.O. 1927, c. 251, s. 3.

Proof of ownership of vehicle where serial number obliterated.



5.—(1) Every motor vehicle other than a motor bicycle, <sup>Number plate.</sup> while being driven on a highway, shall have attached to and exposed on the front and back thereof, in a conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year. R.S.O. 1927, c. 251, s. 4 (1); 1931, c. 54, s. 3 (1).

(2) Any person who violates any of the provisions of sub- <sup>Penalty.</sup> section 1 shall incur, for the first offence, a penalty of not more than \$50; for the second offence a penalty of not less than \$20 and not more than \$100, and in addition, his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than \$50 and not more than \$200, and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition, his license or permit may be suspended for any period not exceeding six months. R.S.O. 1927, c. 251, s. 4 (2).

(3) The number plate on the front shall be as far forward <sup>Position of number plate.</sup> and as high from the ground as may be necessary to render it distinctly visible, and the number plate on the back shall be so placed that the lower edge thereof shall not be lower than the body of the motor vehicle; provided that this subsection, so far as it relates to the position of the number plate on the back shall not apply to motor trucks or other motor vehicles for the delivery of goods. R.S.O. 1927, c. 251, s. 4 (3); 1931, c. 54, s. 3 (2).

(4) Any person who violates any of the provisions of sub- <sup>Penalty.</sup> section 3 shall incur, for the first offence, a penalty of not less than \$5 and not more than \$10; for the second offence a penalty of not less than \$10 and not more than \$25; and for any subsequent offence a penalty of not less than \$25 and not more than \$50, and in addition, his license or permit may be suspended for any period not exceeding sixty days.

(5) A motor bicycle while being driven on a highway shall have exposed on the front and back thereof a number plate <sup>Number plate on motor bicycle.</sup> furnished by the Department showing in plain figures, not less than two inches in height, the number of the permit of such motor bicycle, and the number plate on the front shall show the number of the permit issued for the current year on both sides and shall be fixed so that the number is plainly visible from either side of the motor bicycle. R.S.O. 1927, c. 251, s. 4 (4, 5).

(6) Every trailer while being drawn on a highway shall have exposed on the back thereof, in a conspicuous position, a <sup>Rear number plate on trailer.</sup> number plate furnished by the Department showing in plain figures the number of the permit issued for the current year. 1931, c. 54, s. 3 (3).

Penalty.

(7) Any person who violates any of the provisions of sub-section 5 or 6 shall incur, for the first offence, a penalty of not less than \$5 and not more than \$10; for the second offence, a penalty of not less than \$10 and not more than \$25; and for any subsequent offence a penalty of not less than \$25 and not more than \$50, and in addition, his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 4 (6); 1937, c. 30, s. 3.

Violations  
as to  
number  
plates.

**6.**—(1) Any person who,—

- (a) defaces or alters any number plate furnished by the Department; or
- (b) uses or permits the use of a defaced or altered number plate or a number plate issued by the Department for another motor vehicle or trailer; or
- (c) without the authority of the owner removes a number plate from a motor vehicle or trailer; or
- (d) uses or permits the use of any number plate upon a motor vehicle or trailer except the one used by the Department for such motor vehicle or trailer; or
- (e) does not, within six days, forward a notice on the prescribed form to the Department of the sale or purchase by or to him of a motor vehicle or trailer for which a permit has been issued;

Penalties.

shall incur for the first offence a penalty of not less than \$10 and not more than \$50; for the second offence a penalty of not less than \$20 and not more than \$100, and in addition, his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than \$50 and not more than \$200 and shall also be liable to imprisonment for any term not exceeding thirty days and in addition his license or permit may be suspended for any period not exceeding six months.

Number  
plates to be  
property  
of Crown.

(2) Every number plate furnished by the Department under this Act shall be and remain the property of the Crown and shall be returned to the Department whenever required by the Department, and any person failing to so return the number plate without reasonable excuse shall incur, for the first offence, a penalty of not more than \$5; for the second offence, a penalty of not less than \$5 and not more than \$10, and for any subsequent offence a penalty of not less than \$10 and not more than \$25, and in addition, his license or permit may be suspended for any period not exceeding thirty days, and the

Minister may also for such failure refuse to issue a license or permit to such person. R.S.O. 1927, c. 251, s. 5.

**7.—**(1) No number other than that upon the number plate furnished by the Department shall be exposed on any part of a motor vehicle or trailer in such a position or manner as to confuse the identity of the number plate. No other numbers to be exposed.

(2) Any person who violates any of the provisions of subsection 1 shall incur, for the first offence, a penalty of not more than \$5; for the second offence, a penalty of not less than \$5 and not more than \$10, and for any subsequent offence a penalty of not less than \$10 and not more than \$25, and in addition his license or permit may be suspended for any period not exceeding thirty days. Penalty.

(3) The number plates shall be kept free from dirt and obstruction and shall be so affixed that the numbers thereon may be at all times plainly visible, and the view thereof shall not be obscured or obstructed by spare tires, bumper bars, or by any part of the motor vehicle or trailer or attachments thereto, or by the load carried. Numbers to be kept clean.

(4) Any person who violates any of the provisions of subsection 3 shall incur, for the first offence, a penalty of not less than \$5 and not more than \$10; for the second offence a penalty of not less than \$10 and not more than \$25, and for any subsequent offence a penalty of not less than \$25 and not more than \$50, and in addition, his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 6. Penalty.

**8.** Any peace officer who has reason to believe that a motor vehicle or trailer is carrying number plates which were not issued for it, or which although issued for it were obtained by false pretenses, may take possession of such number plates and retain them until the facts as to the carrying of such number plates have been determined. R.S.O. 1927, c. 251, s. 7. Improper number plates.

**9.—**(1) The provisions of sections 3 and 5, and subsection 1 of section 7 shall not apply to a motor vehicle owned by any person who does not reside or carry on business in Ontario for more than three consecutive months in each year, if the owner thereof is a resident of some other province of Canada, and has complied with the provisions of the law of the province in which he resides as to registration of a motor vehicle and the display of the registration number thereon, and provided the province of residence grants similar exemptions and privileges with respect to motor vehicles registered under the laws of and Exceptions as to residents of other provinces.

owned by residents of Ontario. R.S.O. 1927, c. 251, s. 8 (1); 1932, c. 32, s. 2.

Exceptions  
as to resi-  
dents of  
foreign  
countries.

(2) The provisions of sections 3 and 5 and subsection 1 of section 7 and subsection 1 of section 19, and the regulations made by the Lieutenant-Governor in Council in pursuance of subsection 5 of section 3 shall not apply to residents of countries or states which grant similar exemptions and privileges with respect to motor vehicles registered under the laws of, and owned by residents of Ontario; provided, however, that this subsection shall not apply to commercial vehicles or vehicles used by non-residents doing business in Ontario, save and except that the provisions of subsection 1 of section 19 shall not apply to drivers of any such motor vehicles and provided, further, that the exemptions granted by this subsection shall not be valid for a period of residence in Ontario in excess of thirty days in any one year. R.S.O. 1927, c. 251, s. 8 (2).

Regula-  
tions.

(3) The Lieutenant-Governor in Council may make regulations providing for the temporary exemption from registration of commercial vehicles or vehicles used by non-residents doing business in Ontario. 1929, c. 68, s. 2.

## PART II.

### REQUIREMENTS AS TO EQUIPMENT.

Lamps.

**10.**—(1) Whenever on a highway after dusk and before dawn, every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front, which shall cast a white, green or amber coloured light only, and one on the back of the vehicle, which shall cast from its face a red light only, except in the case of a motor bicycle without a side car, which shall carry one lamp on the front which shall cast a white light only and one on the back of the vehicle which shall cast from its face a red light only, and any lamp so used shall be clearly visible at a distance of at least two hundred feet from the front or rear, as the case may be. R.S.O. 1927, c. 251, s. 9 (1); 1931, c. 54, s. 4 (1).

Driving  
lights.

(2) Lamps on the front of a motor vehicle shall be so constructed, located, arranged and adjusted that when lighted as required by subsection 1 they produce under normal atmospheric conditions and on a level road a driving light sufficient to render clearly discernible to the operator of the motor vehicle any person or vehicle on the highway within a distance of two hundred feet ahead of such motor vehicle.



(3) The provisions of subsection 2 shall not apply to a <sup>Lighted streets.</sup> motor vehicle on a highway which is so lighted by the means of any system of street or highway lighting that under the conditions mentioned in said subsection any person or vehicle within a distance of two hundred feet ahead of such motor vehicle is clearly discernible to the operator thereof. 1932, c. 32, s. 3.

(4) No motor vehicle shall carry on the front thereof more <sup>Strength of front lamps.</sup> than three lighted lamps of over four candle power, and additional lights displayed on the front of commercial vehicles to distinguish the width or class of such vehicle shall be green in colour only and of not more than four candle power. R.S.O. 1927, c. 251, s. 9 (2).

(5) Whenever on a highway after dusk and before dawn <sup>Clearance lamps required on wide vehicles.</sup> every motor vehicle and every trailer having a width at any part in excess of eighty inches shall carry in addition to the lamps required by subsection 1, two clearance lamps, one of which shall be located at the front of the vehicle and shall display a green light, and the other of which shall be located at the rear of the vehicle and shall display a red light, and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of a clearance lamp on the rear of a vehicle, and any lamp or reflector so used shall be clearly visible at a distance of at least two hundred feet from the front or rear as the case may be, and shall be affixed within six inches of the extreme left side of the vehicle. 1930, c. 48, s. 2 (1).

(6) Any person who violates any of the provisions of sub- <sup>Penalty.</sup> section 1, 2, 4 or 5 shall incur, for the first offence, a penalty of not more than \$5; for the second offence a penalty of not less than \$5 and not more than \$10, and for any subsequent offence a penalty of not less than \$10 and not more than \$25 and in addition, his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 9 (3); 1937, c. 30, s. 4 (1).

(7) In the case of a motor vehicle belonging to a municipal <sup>Fire department vehicle lamps.</sup> fire department, the lamps on the front may cast a red light only or such other colour of light as may be designated by by-law of the municipality approved by the Department. R.S.O. 1927, c. 251, s. 9 (4).

(8) Whenever on a highway after dusk and before dawn, <sup>Bicycles and tri-cycles—lights on.</sup> every bicycle or tricycle shall carry on the front thereof a white or amber lighted lamp, or reflector approved by the Department, and on the back thereof a red lighted lamp, or reflector approved by the Department, as well as a white surface not

less than ten inches in length and two inches in width, all of which shall be so placed as to be clearly visible to the drivers of other vehicles. 1930, c. 48, s. 2 (2); 1935, c. 26, s. 3.

Penalty.

(9) Any person who violates any of the provisions of subsection 8 shall incur, for the first offence, a penalty of not more than \$5; for the second offence a penalty of not less than \$5 and not more than \$10; and for any subsequent offence a penalty of not less than \$10 and not more than \$25. R.S.O. 1927, c. 251, s. 9 (6).

Rear lamps  
to illumin-  
ate number  
plate.

(10) The lamp on the back of a motor vehicle or trailer shall be at least three candle power and shall be so placed that it will illuminate at all times between dusk and dawn the numbers on the said number plate, or if provision is made on the number plate or on any attachment furnished or required by the Department for affixing such lamp, it shall be affixed in the position or space provided, and such lamp shall face to the rear and reflect on the number plate a white light only. R.S.O. 1927, c. 251, s. 9 (7); 1928, c. 42, s. 2 (2).

Penalty.

(11) Any person who violates any of the provisions of subsection 10 shall incur, for the first offence, a penalty of not less than \$5 and not more than \$10; for the second offence, a penalty of not less than \$10 and not more than \$25, and for any subsequent offence a penalty of not less than \$25 and not more than \$50, and in addition, his license or permit may be suspended for any period not exceeding sixty days.

Parking  
lights.

(12) A motor vehicle while standing upon any highway at such times as lights are required by the provisions of this section for such vehicle may, in lieu of the lighting equipment specified in this section, show one light carried on the left side of the car in such a manner as to be clearly visible to the front and rear for a distance of at least two hundred feet and to show white to the front and red to the rear of the vehicle; provided, however, that such light shall not be displayed while the motor vehicle is in motion. R.S.O. 1927, c. 251, s. 9 (8, 9).

Lighting  
devices.

(13) It shall be unlawful to carry on a motor vehicle any lighting device of over thirty-two mean spherical candle power. R.S.O. 1927, c. 251, s. 9 (10); 1934, c. 21, s. 2.

Elimination  
of glare.

(14) It shall be unlawful to carry on a motor vehicle any lighting device of over four mean spherical candle power unless the same is equipped with a device for the elimination of glare approved by the Minister and is so deflected, arranged or adjusted that no portion of the parallel beam of reflected light when measured seventy-five feet or more ahead of the lamp shall rise above forty-two inches from the level surface on which the vehicle stands. R.S.O. 1927, c. 251, s. 9 (11).

(15) Any person who violates any of the provisions of sub-Penalty.  
section 12, 13 or 14 shall incur, for the first offence, a penalty  
of not more than \$10; for the second offence, a penalty of not  
less than \$10 and not more than \$25, and for any subsequent  
offence a penalty of not less than \$25 and not more than \$50,  
and in addition, his license or permit may be suspended for any  
period not exceeding sixty days. R.S.O. 1927, c. 251, s. 9  
(12); 1937, c. 30, s. 4 (2).

(16) No spotlight or searchlight or other auxiliary lamp Spotlights,  
shall be attached to any part of a motor vehicle higher than the position of.  
head lamps of such vehicle, and the ray of light from any such  
spotlight, searchlight or auxiliary lamp shall be directed to  
the extreme right of the travelled portion of the highway in  
such a manner that the beam of light shall strike the highway  
within seventy-five feet of the vehicle, provided that this shall Proviso.  
not prevent the use of what are commonly known as cowl or  
side lamps or clearance lamps, nor shall this section apply to  
a motor vehicle of a municipal fire department, or a motor  
vehicle used by a public service corporation, commission or  
board for locating breaks in or trouble with overhead wiring.  
1928, c. 42, s. 2 (3).

(17) Any person who violates any of the provisions of Penalty.  
subsection 16 shall incur, for the first offence, a penalty of  
not less than \$10 and not more than \$50; for the second of-  
fence, a penalty of not less than \$20 and not more than \$100,  
and in addition, his license or permit may be suspended for any  
period not exceeding thirty days, and for any subsequent of-  
fence shall incur a penalty of not less than \$50 and not more  
than \$200, and shall also be liable to imprisonment for any  
term not exceeding\*thirty days, and in addition, his license or  
permit may be suspended for any period not exceeding six  
months.

(18) Every traction engine shall, after dusk and before Lamps to be  
dawn, carry a lamp in a conspicuous place in front which shall carried on  
cast a white or green light only and one on the rear of the engine.  
engine or of any vehicle which may be attached to it which  
shall cast from its face a red light only.

(19) Whenever on a highway after dusk and before dawn, Light on  
every trailer shall carry on the back thereof one lighted lamp back of  
which shall cast from its face a red light only. trailer.

(20) Any person who violates any of the provisions of sub-Penalty.  
section 18 or 19 shall incur for the first offence, a penalty of  
not less than \$5 and not more than \$10; for the second offence,  
a penalty of not less than \$10 and not more than \$25, and for  
any subsequent offence a penalty of not less than \$25 and not

more than \$50, and in addition, his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 9 (14-17).

Lights on  
all vehicles.

(21) (a) Subject to the provisions of clause *b*, every vehicle other than a motor vehicle or a bicycle or a tricycle, when on a highway after dusk and before dawn, shall carry in a conspicuous position on the left side thereof a lighted lamp showing white to the front and red to the rear, and any lamp so used shall be clearly visible at a distance of at least two hundred feet from the front and from the rear of the vehicle. R.S.O. 1927, c. 251, s. 9 (18) (*a*); 1931, c. 54, s. 4 (2).

Reflectors  
in certain  
cases.

(*b*) The Department may by regulation permit a reflector approved by the Department to be displayed in lieu of a lighted lamp on vehicles commonly used for conveying inflammable materials or vehicles which are structurally unsuitable for carrying lighted lamps. R.S.O. 1927, c. 251, s. 9 (18) (*b*); 1930, c. 48, s. 2 (3).

Penalty.

(22) Any person who violates any of the provisions of subsection 21 shall incur, for the first offence a penalty of not more than \$5; for the second offence a penalty of not less than \$5 and not more than \$10, and for any subsequent offence a penalty of not less than \$10 and not more than \$25. R.S.O. 1927, c. 251, s. 9 (19).

Brakes, two  
systems  
required.

**11.**—(1) (*a*) Every motor vehicle other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to stop and to hold such vehicle, having two separate means of application, each of which means shall apply a brake or brakes effective on at least two wheels and each of which shall suffice to stop the vehicle within a proper distance, and each means of application shall be so constructed that the cutting in two of any one element of the operating mechanism shall not leave the motor vehicle without brakes effective on at least two wheels.

(*b*) Every motorcycle shall be equipped with at least one brake.

(*c*) Every trailer or semi-trailer having a gross weight of three thousand pounds or more shall be equipped with brakes adequate to stop and to hold such vehicle.

(*d*) All such brakes shall be maintained in good working order and shall conform to regulations not inconsistent with this section to be made by the Department.

(*e*) Any constable or any officer appointed for carrying out the provisions of this Act may at any time inspect or



cause an inspection to be made of the brakes on any motor vehicle on the highway, and may, if such brakes do not conform to the regulations of the Department, require the driver of such motor vehicle to proceed forthwith to make or have such brakes made to comply with such regulations. 1928, c. 42, s. 3; 1936, c. 27, s. 2.

(2) Any person who violates any of the provisions of sub-Penalty. section 1 shall incur, for the first offence, a penalty of not less than \$10 and not more than \$50; for the second offence, a penalty of not less than \$20 and not more than \$100, and in addition, his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than \$50 and not more than \$200, and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition, his license or permit may be suspended for any period not exceeding six months. R.S.O. 1927, c. 251, s. 10 (2).

**12.**—(1) Every motor vehicle other than a motorcycle Equipment. shall be equipped with,—

(a) a device for cleaning rain, snow and other moisture Windshield wiper. from the windshield so constructed as to be controlled or operated by the chauffeur or operator;

(b) a mirror securely attached to such vehicle and placed Mirror. in such a position as to afford the chauffeur or operator a clearly reflected view of the roadway in the rear, or of any vehicle approaching from the rear. 1930, c. 48, s. 4; 1931, c. 54, s. 5; 1937, c. 30, s. 5.

(2) Any person who violates any of the provisions of sub-Penalty. section 1 shall incur, for the first offence, a penalty of not more than \$5; for the second offence, a penalty of not less than \$5 and not more than \$10, and for any subsequent offence a penalty of not less than \$10 and not more than \$25, and in addition, his license or permit may be suspended for any period not exceeding thirty days. R.S.O. 1927, c. 251, s. 11 (2).

**13.**—(1) All self-propelled vehicles other than traction Requirement as to tires. engines, and all trailers having a gross weight in excess of two tons, shall be equipped with rubber tires or tires of some composition equally resilient, and a vehicle shall not be operated on any highway with a tire that is broken or defective in such a manner as to cause additional impact or pounding on or cutting of the highway, and in the case of motor vehicles and trailers equipped with solid rubber tires there shall be at least

one and one-quarter inches of rubber between the wheel rim and the roadway.

Flanges and  
clamps.

(2) No vehicle shall be operated or object moved over or upon any highway with any flange, rib, clamp or other device attached to its wheels, or made a part thereof, which will injure the highway.

Lock-shoes.

(3) No person driving a vehicle drawn by a horse or other animal and used for carrying articles of burden, goods, wares or merchandise shall when descending a grade on a highway lock any wheel of such vehicle except with the device commonly known as a lock-shoe.

Penalty.

(4) Any person who violates any of the provisions of this section shall incur, for the first offence, a penalty of not less than \$5 and not more than \$10; for the second offence, a penalty of not less than \$10 and not more than \$25, and for any subsequent offence a penalty of not less than \$25 and not more than \$50, and in addition, his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 12.

Motor  
vehicles to  
be equipped  
with safety  
glass.

**14.** No person shall sell any new motor vehicle nor shall any new motor vehicle be registered with the Department unless such vehicle is equipped with safety glass wherever glass is used in doors, windows and windshields. 1935, c. 26, s. 4.

Noise  
muffler.

**15.**—(1) Every motor vehicle shall be equipped with a noise muffler, and no contrivance for releasing such muffler shall be attached to the motor vehicle so that it may be operated from any seat in the vehicle.

Unneces-  
sary noise.

(2) A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signalling device so as to make an unreasonable noise, and an operator or chauffeur of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the said motor vehicle, nor shall such operator or chauffeur at any time, by cutting out the muffler or otherwise, cause such motor vehicle to make any unnecessary noise, provided that this subsection shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call. R.S.O. 1927, c. 251, s. 13 (1, 2).

Proviso.

Alarm bell  
to be  
sounded.

(3) Every motor vehicle, bicycle and tricycle shall be equipped with an alarm bell, gong or horn, and the same shall be kept in good working order and sounded whenever it shall be reasonably necessary to notify pedestrians or others of its approach. R.S.O. 1927, c. 251, s. 13 (3); 1935, c. 26, s. 5.

(4) No motor vehicle other than one operated by or on behalf of a police or fire department or the Department shall be equipped with a siren horn or a device producing a sound which so nearly resembles that produced by a siren horn as to deceive or confuse. Prohibition as to use of siren horn.

(5) Any person who violates any of the provisions of sub-section 1, 2, 3 or 4 shall incur, for the first offence, a penalty of not more than \$5; for the second offence a penalty of not less than \$5 and not more than \$10, and for any subsequent offence a penalty of not less than \$10 and not more than \$25, and in addition, his license or permit may be suspended for any period not exceeding thirty days. R.S.O. 1927, c. 251, s. 13 (4, 5). Penalty.

**16.**—(1) Every person travelling upon a highway with a sleigh or sled drawn by a horse or other animal, shall have at least two bells attached to the harness or to the sleigh or sled in such a manner as to give ample warning sound. Sleigh bells.

(2) Any person who violates any of the provisions of sub-section 1 shall incur, for the first offence, a penalty of not more than \$5; for the second offence a penalty of not less than \$5 and not more than \$10, and for any subsequent offence a penalty of not less than \$10 and not more than \$25. R.S.O. 1927, c. 251, s. 14. Penalty.

**17.**—(1) No vehicle, including load or contents, shall have a greater width than ninety-six inches, except traction engines or threshing machines which may have a total width of one hundred and ten inches, and except loads of loose fodder. R.S.O. 1927, c. 251, s. 15 (1). Width of vehicle.

(2) No vehicle shall exceed the length of thirty-three feet and no combination of vehicles coupled together shall exceed the total length of fifty feet. 1929, c. 68, s. 3 (1); 1932, c. 32, s. 4. Length of vehicle or combination of vehicles.

(3) No motor vehicle shall be operated with a trailer or trailers unless such trailer or trailers each have two separate means of attachment so constructed and attached that the failure of one of such means will not permit the trailer to become detached; provided that this subsection shall not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle. 1934, c. 21, s. 3. Trailers.

(4) Any person who violates any of the provisions of this section shall incur, for the first offence, a penalty of not less than \$5 and not more than \$10; for the second offence a pen- Penalty.

alty of not less than \$10 and not more than \$25, and for any subsequent offence a penalty of not less than \$25 and not more than \$50. R.S.O. 1927, c. 251, s. 15 (3); 1929, c. 68, s. 3 (2).

Examina-  
tion of  
vehicle.

**18.**—(1) Every constable and every officer appointed for the purpose of carrying out the provisions of this Act may require the driver of any motor vehicle to submit such motor vehicle, together with its equipment and any trailer attached thereto, to such examination and tests as such constable or officer may deem expedient.

Use of  
unsafe  
vehicle  
prohibited.

(2) Where any such vehicle, equipment or trailer is found to be in a dangerous or unsafe condition the constable or officer making the examination or tests may require the driver of such vehicle to proceed to have such vehicle, equipment or trailer placed in a safe condition and may order such vehicle or trailer to be removed from the highway and may prohibit the operation of such vehicle or trailer on the highway until such vehicle, equipment or trailer has been placed in a safe condition. 1935, c. 26, s. 6.

### PART III.

#### CHAUFFEURS' LICENSES.

Licenses for  
paid drivers.

**19.**—(1) No person shall operate or drive a motor vehicle on a highway as a chauffeur unless he is licensed so to do, and no person shall employ anyone to drive a motor vehicle who is not a licensed chauffeur.

Penalty.

(2) Any person who violates any of the provisions of subsection 1 shall incur, for the first offence, a penalty of not less than \$10 and not more than \$50; for the second offence a penalty of not less than \$20 and not more than \$100, and in addition, his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than \$50 and not more than \$200 and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition, his license or permit may be suspended for any period not exceeding six months.

Terms of  
license.

(3) Chauffeurs' licenses may be issued by the Minister to such persons for such time and upon such terms and subject to such regulations and restrictions as the Lieutenant-Governor in Council may prescribe.

Certificate  
from  
examiner  
and chief  
constable  
of munic-  
ipality.

(4) A license shall not be issued to a chauffeur unless he files with the Department certificates that he is a fit and proper person to be so licensed, having regard to his character, physical fitness, ability to drive and knowledge of the rules of the



road, and one of such certificates touching the applicant's character shall be furnished by the clerk, chief constable or magistrate of the municipality in which the applicant resides, and one other certificate touching the applicant's physical fitness, ability to drive and knowledge of the rules of the road shall be furnished by an examiner appointed for that purpose by the Lieutenant-Governor in Council and residing in the municipality in which the applicant resides.

(5) If there is no such examiner residing in the municipality, the certificate may be signed by the examiner residing in the municipality nearest to that in which the applicant resides. Where no examiner in municipality.

(6) Before a person is appointed an examiner he shall pass such an examination or furnish such evidence of his qualifications as the Minister shall require. R.S.O. 1927, c. 251, s. 16. Examination.

**20.** A magistrate or justice of the peace by whom a person is convicted of a violation of this Act, if the person convicted is required to hold a chauffeur's license and does not hold such license, may declare him disqualified to hold such a license for such time as the magistrate or justice of the peace thinks fit and shall so report with the certificate of the conviction to the Minister. R.S.O. 1927, c. 251, s. 17. When chauffeur may be disqualified.

**21.—**(1) A license must be produced by any person driving a motor vehicle as a chauffeur when demanded by a constable or by an officer appointed for carrying out the provisions of this Act. Production of license.

(2) Any person who violates any of the provisions of subsection 1 shall incur, for the first offence, a penalty of not more than \$5; for the second offence a penalty of not less than \$5 and not more than \$10; and for any subsequent offence a penalty of not less than \$10 and not more than \$25, and in addition, his license or permit may be suspended for any period not exceeding thirty days. Penalty.

(3) A person convicted of an offence under this Act if he holds a chauffeur's license shall forthwith produce the license for the purpose of endorsement. Production of license.

(4) Any person who violates any of the provisions of subsection 3 shall incur, for the first offence, a penalty of not less than \$5 and not more than \$10; for the second offence a penalty of not less than \$10 and not more than \$25, and for any subsequent offence a penalty of not less than \$25 and not more than \$50, and in addition, his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 18. Penalty.

Endorsement of conviction on license or permit.

**22.**—(1) Magistrates or justices of the peace by whom a person is convicted of a violation of this Act shall cause particulars of the conviction to be endorsed upon the chauffeur's license or operator's license, as the case may be, and if the penalty imposed includes the suspension of the license or permit, shall take and hold for the period of the suspension such license or permit and any badge issued therewith.

Endorsement to be *prima facie* evidence.

(2) Any such endorsement signed by the convicting justice shall be *prima facie* evidence of such conviction. R.S.O. 1927, c. 251, s. 19.

Power to revoke permit or license. Rev. Stat. c. 289.

**23.**—(1) The Minister may at any time for misconduct or violation of the provisions of this Act or *The Public Vehicle Act* or of any regulation thereunder by an owner, operator or chauffeur of a motor vehicle or for any reason which he may deem sufficient, suspend or revoke any permit or license, and during such suspension and until any such revocation shall be cancelled by the Minister no further or other license or permit shall be issued to such owner, operator or chauffeur, and the Minister may also for such misconduct or violation or reason prohibit any person from driving a motor vehicle for a period not exceeding two years, and any such person who drives a motor vehicle during the prohibited period shall incur a penalty not exceeding \$500.

Power of Minister to prohibit driving.

Prohibition in case of suspension or cancellation of license.

(2) No person whose permit or license has been suspended or cancelled shall, during the period of such suspension or cancellation, apply for or procure the issue to him of a new permit or license.

Penalty.

(3) Any person who violates any of the provisions of subsection 2 shall incur a penalty of not less than \$25 and not more than \$100 and shall also be liable to imprisonment for any term not exceeding thirty days. R.S.O. 1927, c. 251, s. 20.

## PART IV.

### GARAGE AND STORAGE LICENSES.

Garage and storage licenses.

**24.**—(1) No person shall store or deal in motor vehicles, or conduct what is known as a garage business, parking station, parking lot or used car lot, without having been licensed so to do by the Department in respect of each separate premises used by him for the purpose of such business, provided that the provisions of this section shall not apply to a temporary parking lot which is being operated for a period of not more than two consecutive weeks. R.S.O. 1927, c. 251, s. 21 (1); 1935, c. 26, s. 7 (1).

(2) The fee for the license shall be such as may be fixed <sup>Fee.</sup> from time to time by order of the Lieutenant-Governor in Council on the recommendation of the Minister. R.S.O. 1927, c. 251, s. 21 (2).

(3) Every person who stores or deals in motor vehicles or conducts a garage business, parking station, parking lot or used car lot without a license shall incur a penalty of not less than \$10 and not more than \$50 for the first offence; not less than \$50 and not more than \$200 for the second or subsequent offence, and shall also be liable to imprisonment for a term not exceeding three months for a third or any subsequent offence. R.S.O. 1927, c. 251, s. 21 (3); 1935, c. 26, s. 7 (2). <sup>Penalty for conducting business without license.</sup>

(4) Any peace officer may enter into any place where motor vehicles are stored or dealt in, or into any garage, parking station, parking lot or used car lot required to be licensed and make such investigation and inspection as he thinks proper in order to ascertain whether the provisions of this Act have been complied with. R.S.O. 1927, c. 251, s. 21 (4); 1935, c. 26, s. 7 (3). <sup>Right of entry and inspection.</sup>

(5) Any person who obstructs, molests or interferes with any such constable or officer in the performance of his duty under subsection 4 shall incur a penalty of not less than \$25 and not more than \$100 for the first offence; not less than \$100 and not more than \$300 for the second offence; and not less than \$300 and not more than \$500 and shall also be liable to imprisonment for a term not exceeding six months for the third or any subsequent offence. R.S.O. 1927, c. 251, s. 21 (5); 1937, c. 30, s. 6. <sup>Penalty for interference.</sup>

(6) The Minister may suspend or cancel the license issued for a garage business, parking station, parking lot or used car lot for misconduct or for non-compliance with or infraction of any of the provisions of this Act or of the regulations by the holder of such license or by any of his employees or for any other reason appearing to him to be sufficient. R.S.O. 1927, c. 251, s. 21 (6); 1935, c. 26, s. 7 (4). <sup>Minister may suspend or cancel license.</sup>

(7) The Lieutenant-Governor in Council may, upon the recommendation of the Minister, make regulations controlling and governing the conduct of a garage business, parking station, parking lot or used car lot. R.S.O. 1927, c. 251, s. 21 (7); 1935, c. 26, s. 7 (5). <sup>Regulations.</sup>

**25.—**(1) All persons who buy, sell, wreck or otherwise deal in second-hand motor vehicles shall keep a correct record of all motor vehicles bought, sold or wrecked and of such information as will enable such motor vehicles to be readily <sup>Record of second-hand vehicles bought, sold, etc.</sup>

identified, and shall transmit within six days to the Department, on forms furnished by the Department, a statement of each motor vehicle bought, sold or wrecked by them and such information with reference thereto as may be required by the Department.

Prohibition  
as to buying  
where num-  
ber obliterated.

(2) No person shall buy, sell, wreck or otherwise deal with any motor vehicle where the manufacturer's serial number or similar identifying mark has been obliterated or defaced or is not readily recognizable.

Defacing  
serial  
number.

(3) No person shall deface or remove the manufacturer's serial number or identifying mark from a motor vehicle or from the engine thereof. R.S.O. 1927, c. 251, s. 22 (1-3).

Report to  
Depart-  
ment as to  
cars stored  
or parked.

(4) Where any motor vehicle is placed in the possession of any person who repairs, buys, sells, wrecks or stores motor vehicles or conducts what is known as a garage business, parking station, parking lot or used car lot and the same remains in his possession for more than two weeks without good reason, such person shall forthwith, upon the expiration of the said period of two weeks make a report thereof to the Department. R.S.O. 1927, c. 251, s. 22 (4); 1935, c. 26, s. 8 (1).

Report as to  
damaged  
or bullet-  
marked  
cars.

(5) If a motor vehicle which shows evidence of having been involved in a serious accident or having been struck by a bullet is brought into a garage, parking station, parking lot, used car lot or repair shop, the person in charge of the garage, parking station, parking lot, used car lot or repair shop shall forthwith report the same to the nearest provincial or municipal police officer, giving the name and address of the owner or operator and also the permit number and a description of the vehicle. 1931, c. 54, s. 6; 1935, c. 26, s. 8 (2).

Penalty.

(6) Any person who violates any of the provisions of this section shall incur, for the first offence, a penalty of not less than \$10 and not more than \$50; for the second offence a penalty of not less than \$20 and not more than \$100, and for any subsequent offence a penalty of not less than \$50 and not more than \$200, and shall also be liable to imprisonment for any term not exceeding thirty days. R.S.O. 1927, c. 251, s. 22 (5).

## PART V.

### RATE OF SPEED.

Within a  
city, town  
or village.

**26.**—(1) No motor vehicle shall be driven upon any highway within a city, town or village at a greater rate of speed than thirty miles per hour; but the council of a city, town or village may by by-law set apart any highway or any part



thereof on which motor vehicles may be driven at a greater rate of speed for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such highway or part thereof for such purpose. The council of any city, town or village may pass a by-law prohibiting a motor vehicle from being driven at a greater rate of speed than fifteen miles per hour within any public park or exhibition ground; provided that this subsection shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call. R.S.O. 1927, c. 251, s. 23 (1); 1937, c. 30, s. 7 (1).

(2) No motor vehicle shall be driven upon any highway outside of a city, town or village at a greater rate of speed than fifty miles per hour, nor over a level railway crossing, whether or not the driver of the vehicle has a clear view of approaching railway traffic, at a greater rate of speed than twenty miles per hour. R.S.O. 1927, c. 251, s. 23 (2); 1933, c. 20, s. 3; 1937, c. 30, s. 7 (2).

Speed limit  
on high-  
ways.

(3) The council of any township may by reason of the density of population or number and proximity of buildings therein or in any part thereof by by-law approved by the Department prohibit a motor vehicle from being operated at a greater rate of speed than thirty miles per hour in the township or in such part or parts thereof or on such highways or parts of highways therein as the by-law may define, and in such case notices regarding the speed limit shall be posted on the highways of the township to comply with the regulations of the Department. 1937, c. 30, s. 7 (3).

Rate of  
speed in  
thickly  
populated  
townships.

(4) Any person who violates any of the provisions of this section shall incur, for the first offence, a penalty of not less than \$5 and not more than \$50; for the second offence a penalty of not less than \$10 and not more than \$100, and in addition, his license or permit may be suspended for any period not exceeding three months, and for any subsequent offence shall incur a penalty of not less than \$20 and not more than \$200, and in addition, his license or permit may be suspended for any period not exceeding six months. R.S.O. 1927, c. 251, s. 23 (3).

Penalty.

**27.** Notwithstanding the provisions of section 26, any person who drives a motor vehicle on a highway recklessly or negligently, or at a speed or in a manner dangerous to the public, having regard to all the circumstances, shall incur a penalty of not less than \$10 and not more than \$200 and shall also be liable to imprisonment for any term not exceeding sixty days, and in addition, his license or permit shall be suspended for

Reckless  
driving.

Penalty.

any period not exceeding six months. R.S.O. 1927, c. 251, s. 24.

What  
deemed  
negligent  
driving.

- (a) Driving a motor vehicle with persons or property in the front or driver's seat so placed as to interfere with the proper management or control of the vehicle by the driver shall be deemed to be negligent driving within the meaning of this section. 1930, c. 48, s. 5.

Racing.

**28.**—(1) No person shall drive a motor vehicle upon a highway in a race or on a bet or wager.

Penalty.

(2) Any person who violates any of the provisions of subsection 1 shall incur, for the first offence, a penalty of not less than \$25 and not more than \$100, and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition his license or permit may be suspended for a period not exceeding sixty days, and, for any subsequent offence, shall incur a penalty of not less than \$100 and not more than \$500 and shall also be liable to imprisonment for any term not exceeding six months, and in addition his license or permit may be suspended for any period not exceeding one year. R.S.O. 1927, c. 251, s. 25.

Vehicles  
with solid  
tires.

**29.**—(1) No vehicle, other than a public vehicle, equipped wholly or in part with solid tires shall be operated upon any highway at a greater rate of speed than fifteen miles per hour.

Public  
vehicles.

(2) No public vehicle equipped wholly or in part with solid tires shall be operated upon any highway at a greater rate of speed than twenty miles per hour. R.S.O. 1927, c. 251, s. 26 (1, 2).

Penalty.

(3) Any person who violates any of the provisions of this section shall incur, for the first offence a penalty of not less than \$5 and not more than \$50; for the second offence a penalty of not less than \$10 and not more than \$100, and in addition, his license or permit may be suspended for any period not exceeding three months, and for any subsequent offence shall incur a penalty of not less than \$20 and not more than \$200, and in addition his license or permit may be suspended for any period not exceeding six months. R.S.O. 1927, c. 251, s. 26 (4).

Regula-  
tions limit-  
ing speed  
on bridges.

**30.**—(1) The municipal corporation or other authority having jurisdiction over the highway may make regulations limiting any vehicle passing over a bridge to a speed of not less than five miles per hour, and notice of the limit of speed fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge in the following form:

*"Any person or persons riding or driving on or over this bridge at a faster rate than — miles per hour will, on conviction therefor, be subject to a fine of \$ — as provided by by-law."*

Form of notice.

(2) A person who injures or interferes with such notice shall incur a penalty of not less than \$1 and not more than \$10. R.S.O. 1927, c. 251, s. 27.

Penalty for defacing.

**31.**—(1) Subject to the provisions of sections 29 and 30 no motor vehicle shall be driven upon a highway at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon except when such slow rate of speed is necessary for safe operation having regard to all the circumstances.

Unnecessary slow driving prohibited.

(2) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not less than \$5 and not more than \$50 and for any subsequent offence not less than \$10 and not more than \$100 and in addition his license or permit, or both, may be suspended for any period not exceeding thirty days. 1931, c. 54, s. 7.

Penalty.

**32.** Any person who removes, defaces, or in any manner interferes with any notice or obstruction lawfully placed on a highway shall incur, for the first offence, a penalty of not less than \$25 and not more than \$100, and shall also be liable to imprisonment for any term not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than \$100 and not more than \$500 and shall also be liable to imprisonment for any term not exceeding six months. R.S.O. 1927, c. 251, s. 28.

Defacing notice or removing obstruction.

Penalty.

## PART VI.

### WEIGHT AND LOAD.

**33.**—(1) In this section,—

Interpretation.

(a) "Class 'A' Highway" shall mean a highway designated as such by the Minister;

(b) "Class 'B' Highway" shall mean a highway not designated by the Minister as a "Class 'A' Highway".  
1929, c. 68, s. 6, *part.*

(2) No vehicle shall be moved upon wheels, rollers, or otherwise over or upon any "Class 'A' Highway" having a gross weight in excess of the following, unless a special permit has been issued pursuant to section 34:

Restriction on weight of vehicle and load on "Class 'A' Highway."

As to weight upon four wheels with two driving axles.

(a) The gross weight of a vehicle of four wheels with two driving axles spaced more than eight feet apart and of a public vehicle shall not exceed twenty-four thousand pounds and the weight upon one axle shall not exceed fifteen thousand pounds.

As to weight upon six wheels.

(b) The gross weight of a vehicle of six wheels so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant, shall not exceed thirty thousand pounds and the weight on one axle shall not exceed fifteen thousand pounds.

As to weight on non-pneumatic tires.

(c) The gross weight of a vehicle equipped wholly or in part with non-pneumatic tires shall not exceed sixteen thousand pounds and the weight upon one axle shall not exceed twelve thousand pounds.

As to weight of other vehicles.

(d) The gross weight of a vehicle other than those mentioned in clauses *a*, *b*, and *c* shall not exceed twenty thousand pounds and the weight upon one axle shall not exceed fifteen thousand pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed twelve thousand pounds. 1929, c. 68, s. 6, *part*; 1934, c. 21, s. 4.

Restrictions as to "Class 'B' Highway."

(3) No vehicle shall be moved upon wheels, rollers or otherwise over or upon any "Class 'B' Highway" having a gross weight in excess of the following, unless a special permit has been issued pursuant to section 34:

As to weight of vehicle and load.

(a) The gross weight of a vehicle shall not exceed sixteen thousand pounds and the weight upon one axle shall not exceed twelve thousand pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed ten thousand pounds. 1929, c. 68, s. 6, *part*.

Restrictions as to weight on tires, etc.

(4) No vehicle, object or contrivance for moving loads which is equipped with tires of less than six inches in width shall be operated or moved upon or over any highway, the weight of which, or the gross weight of which, exceeds five hundred pounds upon any inch in width of tire, roller, wheel or other object, and no vehicle equipped with tires of six inches or more in width, the weight or gross weight of which exceeds six hundred pounds upon any inch in width of the tire, shall be so operated without first obtaining a permit as provided by section 34.

Width of rear tires on commercial motor vehicles.

(5) Commercial motor vehicles with rear tires of less than the widths specified in the following table, shall not be operated upon any highway:



TABLE.

Pounds				Pounds	Tires
Those having a gross weight of 4,600 lbs. or less.....					3½"
More than	4,600	but not more than	5,300.....		4"
"	"	"	"	6,000.....	4½"
"	"	"	"	6,700.....	5"
"	"	"	"	9,600.....	6"
"	"	"	"	11,200.....	7"
"	"	"	"	12,800.....	8"
"	"	"	"	16,000.....	10"
"	"	"	"	18,000.....	12"
"	"	"	"	20,000.....	14"

provided that the Minister may authorize tires of less than the width specified in such table in the case of such vehicles, the gross weight of which is distributed more or less evenly on all four wheels and in the case of such vehicles which are equipped with more than four wheels and in the case of trailers.

(6) For the purpose of this section the width of solid rubber or pneumatic tires shall be as stamped thereon by the manufacturer and approved by the Department.

How width ascertained.

(7) Any person who violates any of the provisions of this section shall incur, for the first offence, a penalty of not less than \$25 and not more than \$50; for the second offence, a penalty of not less than \$50 and not more than \$100, and in addition his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than \$100 and not more than \$200, and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition his license or permit may be suspended for any period not exceeding six months.

Penalty.

(8) The municipal corporation or other authority having jurisdiction over a bridge may by by-law approved by the Department make regulations limiting the weight of any vehicle passing over such bridge and notice of the limit of the weight fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge. R.S.O. 1927, c. 251, s. 29 (4-8).

Limiting weight of vehicle on bridge.

**34.**—(1) The municipal corporation or other authority having jurisdiction over the highway may, upon application in writing, grant a permit for the moving of heavy vehicles, loads, objects or structures in excess of the limits prescribed by section 17 or 33. R.S.O. 1927, c. 251, s. 30 (1) ; 1929, c. 68, s. 7.

Permits, grant of.

(2) Such permit may be general or may limit the time and the particular highway which may be used, and may contain any special conditions or provisions which may be deemed necessary for the protection of said highway from injury, and

Permits, general or limited.

the municipal corporation or other authority may require a bond sufficient to cover the cost of repairing such possible injury to the highway.

Who may  
issue.

(3) The council of any municipality may, by by-law, provide that such permit may be issued by any officer of the corporation named therein.

Issue of  
permit by  
Depart-  
ment.

(4) In the case of a vehicle for which a permit is required under this section in order to pass over a highway or highways under the jurisdiction of two or more municipalities or other authorities, the permit so to do may be issued by the Department, which permit shall be in lieu of the several permits to be otherwise obtained from the municipal corporations or other authorities, and the permit may limit the time and the particular highway or highways which may be used, and may contain any special conditions or provisions which may be deemed necessary to protect such highways from injury, and the Department may require a bond sufficient to cover the cost of repairing such possible injury to the highway.

Responsi-  
bility for  
damages  
caused to  
highway.

(5) The owner, driver, operator or mover of any such vehicle, object or contrivance who has obtained the permit mentioned in this section shall nevertheless be responsible for all damages which may be caused to the highway by reason of the driving, operating or moving of any such vehicle, object or contrivance. R.S.O. 1927, c. 251, s. 30 (2-5).

Prohibition  
as to carry-  
ing load in  
excess of  
permit.

**35.**—(1) No motor vehicle or trailer having a permit issued under this Act, the fee for which is based upon the weight of the vehicle and load, shall at any time when upon a public highway, carry a load in excess of that for which the permit was issued as stated upon such permit, and for which the fee therefor was estimated. R.S.O. 1927, c. 251, s. 31 (1).

Production  
of permit.

(2) The permit issued for every commercial motor vehicle and for every trailer drawn by it shall whenever such vehicle is on a highway be carried by the driver thereof, or be placed in some readily accessible position in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Commercial Vehicle Act*. 1934, c. 21, s. 5.

Rev. Stat.,  
c. 290.

Weight of  
load during  
March and  
April.

(3) During the months of March and April commercial motor vehicles and trailers, other than public vehicles, operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be applicable by the Lieutenant-Governor in Council, or upon any other highway not within a city or separated town, shall not be loaded in excess of the limits prescribed hereunder without obtaining a permit as provided by section 34:

- (a) A vehicle equipped wholly or in part with solid tires shall not be loaded in excess of one-half the carrying capacity as registered with the Department.
- (b) A vehicle equipped wholly with pneumatic tires, having a carrying capacity registered with the Department of three tons and not more than six tons, shall not be loaded in excess of three tons.
- (c) A vehicle equipped wholly with pneumatic tires and having a registered carrying capacity in excess of six tons shall not be loaded in excess of one-half the capacity registered with the Department. 1930, c. 48, s. 6; 1934, c. 21, s. 6 (1).
- (4) During the months of March and April, a vehicle other than a motor vehicle, or trailer, operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be applicable by the Lieutenant-Governor in Council, or upon any other highway not within a city or separated town, and having a carrying capacity exceeding one ton, shall not be loaded in excess of two hundred and fifty pounds upon any inch in width of tire without obtaining a permit as provided by section 34. R.S.O. 1927, c. 251, s. 31 (3); 1934, c. 21, s. 6 (2). Weight of load during March and April.
- (5) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not less than \$10 and not more than \$50; for the second offence a penalty of not less than \$20 and not more than \$100, and in addition his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than \$50 and not more than \$200, and shall also be liable to imprisonment for any term not exceeding thirty days and in addition his license or permit may be suspended for any period not exceeding six months. Penalty.
- (6) The council of a city or separated town may, by by-law, declare the provisions of subsections 3, 4 and 5 to be in force in respect of highways within such city or separated town. R.S.O. 1927, c. 251, s. 31 (4, 5). Application to cities and separated towns.
- (7) The municipal corporation or other authority having jurisdiction over any highway, may declare the provisions of subsections 3, 4 and 5 to extend and apply to highways under its jurisdiction during any period of the year; provided, however, that a by-law of a municipality passed under the authority of this subsection, shall not take effect until it has received the approval of the Minister. Extension of period by municipality or other authority.

Extension  
of period by  
Lieutenant-  
Governor  
in Council.

(8) In the case of highways under the jurisdiction of the Department, the Lieutenant-Governor in Council may, upon the recommendation of the Minister, declare the provisions of subsections 3, 4 and 5 to extend and apply during any period of the year. 1929, c. 68, s. 8, *part*.

"Minister,"  
meaning of.

(9) In this section "Minister" in the case of a county shall mean the Minister of Highways, and in the case of a district shall mean that member of the Executive Council to whom, for the time being, the administration of *The Northern Development Act* is assigned. 1929, c. 68, s. 8, *part*; 1931, c. 54, s. 8.

Rev. Stat.,  
c. 34.

Power of  
officer to  
have load  
weighed.

**36.**—(1) Any constable or any officer appointed for carrying out the provisions of this Act, having reason to believe that the weight of a vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle may weigh the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest scales if they are within a distance of two miles, and where it is found that the vehicle is carrying an excessive load, the constable or officer may require the driver to forthwith remove so much of the load as is necessary to bring it within the weight so permitted or authorized. 1928, c. 42, s. 4.

Penalty  
on driver.

(2) Any driver who, when so required to proceed to a weighing machine, refuses or fails to do so, shall incur for the first offence a penalty of not less than \$10 and not more than \$50; for the second offence a penalty of not less than \$20 and not more than \$100, and in addition his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than \$50 and not more than \$200, and shall also be liable to imprisonment for any term not exceeding thirty days and in addition his license or permit may be suspended for any period not exceeding six months.

Production  
of inventory  
showing  
weight of  
truck and  
load.

(3) When a weighing machine cannot be reached within the prescribed distance, or in lieu of proceeding to such weighing machine, the driver of any vehicle shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of such vehicle.

Weighing  
device.

(4) In lieu of proceeding to a weighing machine the weight of the load may be determined by a portable weighing device provided by the peace officer, and it shall be the duty of the driver of the vehicle to facilitate the weighing of the vehicle and load by any such device.



(5) Any person who violates any of the provisions of sub-Penalty.  
sections 3 and 4 shall incur for the first offence a penalty of  
not less than \$5 and not more than \$10; for the second offence  
a penalty of not less than \$10 and not more than \$25; and for  
any subsequent offence a penalty of not less than \$25 and not  
more than \$50 and in addition his license or permit may be  
suspended for any period not exceeding sixty days. R.S.O.  
1927, c. 251, s. 32 (2-5).

**37.**—(1) Every vehicle carrying a load which overhangs Over-  
the rear of the vehicle to the extent of five feet of more shall hanging  
display upon such overhanging load at the extreme rear end loads.  
thereof, at all times between dusk and dawn, a red light, and  
at all other times a red flag or a red wooden or metal sign suf-  
ficient to indicate the projection of such load. R.S.O. 1927,  
c. 251, s. 33 (1).

(2) Every commercial motor vehicle and every trailer shall Commercial  
be loaded in such a manner that no portion of the load may vehicle, how  
become dislodged or fall from such commercial motor vehicle to be  
or trailer during transit. 1935, c. 26, s. 9 (1). loaded.

(3) Any person who violates any of the provisions of sub-Penalty for  
section 1 or 2 shall incur for the first offence a penalty of not illegal  
less than \$5 and not more than \$10; for the second offence loading.  
a penalty of not less than \$10 and not more than \$25; and for  
any subsequent offence a penalty of not less than \$25 and not  
more than \$50, and in addition his license or permit may be  
suspended for any period not exceeding sixty days. R.S.O.  
1927, c. 251, s. 33 (2); 1935, c. 26, s. 9 (2).

**38.**—(1) Every commercial motor vehicle and every trailer Name, etc.,  
drawn by it shall have attached to or painted on both sides of of owner to  
the body in a clearly visible position a sign showing the name be displayed  
and address of the owner, provided that the Department may on vehicle.  
by regulation designate any vehicle or classes of vehicles to  
which the provisions of this subsection shall not apply. 1930,  
c. 48, s. 7 (1); 1931, c. 54, s. 9; 1934, c. 21, s. 7.

(2) Every commercial motor vehicle and every trailer Reflector.  
have securely attached to the back thereof within six inches  
of the left side of the body in such a position as to reflect the  
light from the headlights of a vehicle approaching from the  
rear a red reflector approved by the Department. 1930, c. 48,  
s. 7 (2).

(3) Any person who violates any of the provisions of sub-Penalty.  
section 1 or 2 shall incur for the first offence a penalty of not  
more than \$5; for the second offence a penalty of not less

than \$5 and not more than \$10, and for any subsequent offence a penalty of not less than \$10 and not more than \$25, and in addition his license or permit may be suspended for any period not exceeding thirty days. R.S.O. 1927, c. 251, s. 34 (2); 1937, c. 30, s. 8.

## PART VII.

### RULES OF THE ROAD.

Right-of-way.

**39.**—(1) Where two persons in charge of vehicles or on horseback approach a crossroad or intersection, or enter an intersection, at the same time, the person to the right hand of the other vehicle or horseman shall have the right-of-way.

Left turn at intersections.

(a) The driver or operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction may make such left turn only after affording a reasonable opportunity to the driver or operator of such other vehicle to avoid a collision. 1930, c. 48, s. 8 (1), *part*.

Rule for right turn at intersections.

(b) The driver or operator of a vehicle intending to turn to the right into an intersecting highway shall approach such intersection and turn as closely as practicable to the right curb or edge of the travelled portion of the highway. 1931, c. 54, s. 10, *part*.

Rule for left turn at intersections.

(c) The driver or operator of a vehicle intending to turn to the left into an intersecting highway shall approach such intersection as closely as practicable to the centre line of the highway and the left turn shall be made by passing to the right of such centre line where it enters the intersection, and upon leaving the intersection by passing to the right of the centre line of the highway then entered. 1931, c. 54, s. 10, *part*; 1933, c. 20, s. 4 (1).

Signal for left turn.

(d) The driver or operator of a vehicle upon a highway before turning to the left from a direct line shall first see that such movement can be made in safety, and if the operation of any other vehicle may be affected by such movement shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement.

Mode of signalling for left turn.

(e) The signal required in clause *d* shall be given either by means of the hand and arm in the manner herein specified or by a mechanical or electrical signal device which has been approved by the Department.

(f) Whenever the signal is given by means of the hand and arm the driver or operator shall indicate his intention to turn by extending the hand and arm horizontally from and beyond the left side of the vehicle. 1931, c. 54, s. 10, *part*.

How to  
signal  
manually.

(2) (a) Lights of green, amber and red may be used for signal-light traffic control systems.

Signal-  
light traffic  
control  
systems.

(b) When a green signal-light is shown at an intersection the driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light may proceed across the intersection or turn left or right.

(c) When a red signal-light is shown at an intersection every driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light shall bring his vehicle or car to a full stop before entering such intersection, and shall not proceed until a green light is shown, provided that such driver or operator may turn to the right after bringing such vehicle or car to a full stop.

(d) When green and amber signal-lights are shown simultaneously at an intersection, the driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such lights, shall bring his vehicle or car to a full stop before entering the intersection, provided that where any such vehicle or car cannot be brought to a stop in safety before entering the intersection, it may be driven cautiously across the intersection.

(e) When under the provisions of this section the driver or operator of a vehicle or car of an electric railway is permitted to proceed across an intersection or to turn left or right, such permission shall be subject always to the safety of pedestrians and other traffic.

(f) (i) When a green signal-light is shown at an intersection a pedestrian approaching such intersection and facing such light may proceed across the roadway provided that where markings upon the roadway indicate the portion of the roadway to be used by pedestrian traffic, the pedestrian shall proceed within such marked portion.

(ii) When a red signal-light is shown, and where green and amber signal-lights are shown simul-

taneously, at an intersection, a pedestrian approaching such intersection and facing such light or lights, shall not enter the roadway unless he can do so with safety and without interfering with vehicular traffic.

(g) The provisions of this subsection shall be subject to any sign or notice forbidding a left or right turn or both, which may be conspicuously posted at any intersection and to any direction of a constable or other person who is authorized to direct traffic.

(h) (i) Every signal-light traffic control system installed after the 9th day of April, 1936 shall consist of sets of green, amber and red signal-lights, each of which sets shall be mounted on a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower portion of each of such sets shall be approximately nine feet from the level of the roadway, provided that where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

(ii) No signal-light traffic control system shall be erected unless the approval of the Department has been obtained. 1936, c. 27, s. 4, *part*.

Full stop at  
through  
highway.

(3) The operator or driver of every vehicle or street car, or the car of an electric railway shall immediately before entering or crossing a through highway bring the vehicle to a full stop.

(a) The driver or operator of any vehicle who has come to a full stop as required above, upon entering the through highway, as well as drivers or operators of vehicles on such through highway, shall be subject to the usual right-of-way rule prescribed in subsection 1 and applicable to vehicles at intersections.

(b) "Through highway" shall mean any highway designated as such by the Minister or by by-law of a municipality approved by the Department, and every such highway shall be marked to comply with the regulations of the Department. 1930, c. 48, s. 8 (1), *part*; 1933, c. 20, s. 4 (2).



(4) Where a highway has been divided into three or more clearly marked lanes for traffic,—

Where  
highway  
divided  
into three  
or more  
lanes.

(a) a vehicle shall be driven as nearly as may be practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

(b) in the case of a highway which is divided into three lanes, a vehicle shall not be driven in the centre lane except when overtaking and passing another vehicle where the travelled portion of the highway is clearly visible and the centre lane is clear of traffic within a reasonably safe distance, or in preparation for a left turn, or where such centre lane is at the time designated for the use of traffic moving in the direction in which the vehicle is proceeding and official signs are erected to indicate such designation;

(c) any lane may be designated for slowly moving traffic or traffic moving in a particular direction provided that official signs are erected to indicate such designation, and where a highway is so designated the driver of every vehicle shall obey the direction on the official signs.

(5) Where a highway has been designated for the use of one-way traffic only and official signs have been erected accordingly, vehicles shall be driven only in the direction so designated.

Highway  
designated  
for one-way  
traffic.

(6) For the purposes of subsections 4 and 5 "designated" shall mean designated by the Minister or by any person authorized by him to make such designation. 1937, c. 30, s. 9.

"Designated",—  
meaning of,  
in subss. 4  
and 5.

(7) Where a person travelling or being upon a highway in charge of a vehicle meets another vehicle, he shall turn out to the right from the centre of the road, allowing to the vehicle so met one-half of the road free.

Vehicles  
meeting  
others.

(8) Where a person travelling or being upon a highway in charge of a vehicle meets a person travelling upon a bicycle or tricycle, the person in charge of the vehicle shall allow the person travelling on the bicycle or tricycle sufficient room on the travelled portion of the highway to pass.

Vehicles  
meeting  
bicycles,  
etc.

(9) Where a person travelling or being upon a highway in charge of a vehicle or on horseback is overtaken by a vehicle or horseman travelling at greater speed, the person so overtaken shall quietly turn out to the right and allow such vehicle or horseman to pass.

Vehicles or  
horsemen  
overtaken  
by others.

Vehicles or  
horsemen  
overtaking  
others.

(10) Any person so overtaking another vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman so overtaken, and the person so overtaken shall not be required to leave more than one-half of the road free.

Bicycles or  
tricycles  
overtaken  
by vehicles  
or horse-  
men.

(11) Where a person travelling or being upon a highway on a bicycle or a tricycle is overtaken by a vehicle or horseman travelling at a greater speed, the person so overtaken shall quietly turn out to the right and allow such vehicle or horseman to pass and the person so overtaking a bicycle or tricycle shall turn out to the left so far as may be necessary to avoid a collision.

Bicycle not  
to be  
attached to  
other  
vehicle.

(12) No person while riding on a bicycle shall attach the bicycle to or take hold of any other vehicle for the purpose of being drawn along a highway. R.S.O. 1927, c. 251, s. 35 (3-8).

Person on  
bicycle.

(13) No person riding on a bicycle designed for carrying one person only shall carry any other person thereon. 1930, c. 48, s. 8 (2).

Driver  
unable to  
turn out is  
to stop.

(14) Where one vehicle is met or overtaken by another, if by reason of the weight of the load on either of the vehicles so meeting or on the vehicle so overtaken, the driver finds it impracticable to turn out, he shall immediately stop, and, if necessary for the safety of the other vehicle, and if required so to do, he shall assist the person in charge thereof to pass without damage.

Passing  
vehicle  
going in  
same  
direction.

(15) No person in charge of a vehicle shall pass, or attempt to pass, another vehicle going in the same direction on a highway, unless and until the travelled portion of the highway in front of, and to the left of the vehicle to be passed is safely free from approaching traffic. R.S.O. 1927, c. 251, s. 35 (9, 10).

Headway  
for com-  
mercial  
vehicles.

(16) The driver or operator of a commercial motor vehicle when driving upon a highway outside of a city, town or village shall not follow within one hundred feet of another commercial motor vehicle; but this shall not be construed to prevent one commercial motor vehicle overtaking and passing another such vehicle. 1932, c. 32, s. 5.

Approach-  
ing am-  
bulance,  
fire or police  
department  
vehicle.

(17) The driver of a vehicle, upon the approach of an ambulance, fire or police department vehicle, or public utility emergency vehicle upon which a bell or siren is sounding, shall immediately bring such vehicle to a standstill as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection.

(18) No vehicle shall follow any fire department vehicle when responding to an alarm at a distance of less than five hundred feet. 1936, c. 27, s. 4, *part*. Following fire department vehicle.

(19) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not more than \$10; for the second offence a penalty of not less than \$10 and not more than \$25, and for any subsequent offence a penalty of not less than \$25 and not more than \$50, and in addition his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 35 (11). Penalty.

**40.**—(1) No person shall park or leave standing any vehicle whether attended or unattended, upon the travelled portion of a highway, outside of a city, town or village, when it is practicable to park or leave such vehicle off the travelled portion of such highway; provided, that in any event, no person shall park or leave standing any vehicle, whether attended or unattended, upon such a highway unless a clear view of such vehicle may be obtained from a distance of at least two hundred feet in each direction upon such highway. 1931, c. 54, s. 11, *part*; 1935, c. 26, s. 10 (1). Parking cars on highways.

(2) Whenever a constable or an officer appointed for carrying out the provisions of this Act shall find a vehicle upon a highway in violation of the provisions of this section, he may move such vehicle or require the driver or operator or other person in charge of such vehicle to move the same. 1931, c. 54, s. 11, *part*. Removal of car parked at prohibited place.

(3) The provisions of this section shall not apply to the driver or operator of a vehicle which is so disabled while on a highway that it is impossible to avoid temporarily a violation of such provision. 1931, c. 54, s. 11, *part*. Disabled cars.

(4) Every commercial motor vehicle, when on a highway outside a city, town or village after dusk and before dawn, shall be equipped with a sufficient number of flares, lamps or lanterns which have been approved by the Department, capable of continuously producing two warning lights, each visible from a distance of at least five hundred feet for a period of at least eight hours. Warning lights on commercial motor vehicle.

(5) Whenever any commercial motor vehicle and its lighting equipment are disabled during the period when lighted lamps are required to be displayed on vehicles and such commercial motor vehicle cannot immediately be removed from the travelled portion of a highway outside a city, town or village, the driver or other person in charge of such vehicle shall cause such flares, lamps or lanterns to be lighted and placed upon the Flares on disabled commercial motor vehicle.

highway, one at a distance of approximately one hundred feet in advance of such vehicle and one at a distance of approximately one hundred feet to the rear of the vehicle. 1935, c. 26, s. 10 (3).

Penalty.

(6) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not less than \$5 and not more than \$50, and for any subsequent offence not less than \$10 and not more than \$100, and in addition his license or permit or both may be suspended for any period not exceeding thirty days. 1931, c. 54, s. 11, *part*.

Portable and traction engines meeting or overtaken by other vehicles.

**41.**—(1) Where a portable or traction engine is met or overtaken on a highway by a vehicle drawn by a horse or other animal, or by a horseman, the driver of the engine shall, if practicable, turn out to the right and give such vehicle or horseman at least one-half of the road, and, if requested by the driver, shall stop and remain stationary until the vehicle or horseman has safely passed, and assist such driver or horseman to pass.

Noises not to be made when passing horses, etc.

(2) It shall be the duty of the driver or of the person in charge of any such engine to see that it makes no noise by whistling or otherwise when any horse or animal is passing or is near or is about to pass the same on any highway.

Penalty.

(3) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not less than \$5 and not more than \$10; for the second offence a penalty of not less than \$10 and not more than \$25, and for any subsequent offence a penalty of not less than \$25 and not more than \$50. R.S.O. 1927, c. 251, s. 36.

Requirement when approaching standing car.

**42.**—(1) Where a person travelling or being upon a highway in charge of a vehicle, or on a bicycle or tricycle, or on horseback or leading a horse, overtakes a street car or a car of an electric railway, operated in or near the centre of the travelled portion of the highway which is stationary for the purpose of taking on or discharging passengers, he shall not pass the car or approach nearer than six feet measured back from the rear or front entrance or exit, as the case may be, of the car on the side on which passengers are getting on or off until such passengers have got on or got safely to the side of the street, as the case may be; provided, however, that this subsection shall not apply where a safety zone has been set aside and designated by a by-law passed under the provisions of paragraph 48 of section 407 of *The Municipal Act*, but no vehicle or horse shall pass such safety zone at a speed greater than is reasonable and proper and in no event greater than

Proviso.

Rev. Stat., c. 266.



fifteen miles per hour and with due caution for the safety of pedestrians. R.S.O. 1927, c. 251, s. 37 (1); 1928, c. 42, s. 6; 1937, c. 30, s. 10.

(2) No person in charge of a vehicle or on a bicycle or tricycle or on horseback or leading a horse overtaking a street car or the car of an electric railway, operated in or near the centre of the travelled portion of the highway, which is stationary or in motion, shall pass on the left-hand side of such car, having reference to the direction in which such car is travelling; but this shall not apply to a vehicle belonging to a municipal fire department while proceeding to a fire or answering a fire alarm call.

Prohibition  
as to pass-  
ing street  
cars on left-  
hand side.

(3) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not less than \$10 and not more than \$50; for the second offence a penalty of not less than \$20 and not more than \$100, and in addition his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than \$50 and not more than \$200 and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition his license or permit may be suspended for any period not exceeding six months. R.S.O. 1927, c. 251, s. 37 (2, 3).

Penalty.

**43.**—(1) Every person having the control or charge of a motor vehicle upon a highway, when approaching a horse or other animal which is drawing a vehicle or being driven, led or ridden, shall operate, manage and control such motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of such horse or other animal and to ensure the safety and protection of any person driving, leading or riding upon such horse or other animal or being in any vehicle drawn by such horse or other animal. 1937, c. 30, s. 11.

Approach-  
ing ridden  
or driven  
horses, etc.

(2) Any person who violates any of the provisions of sub-section 1 shall incur for the first offence a penalty of not less than \$10 and not more than \$50; for the second offence a penalty of not less than \$20 and not more than \$100, and in addition his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than \$50 and not more than \$200 and shall also be liable to imprisonment for any term not exceeding thirty days and in addition his license or permit may be suspended for any period not exceeding six months. R.S.O. 1927, c. 251, s. 38 (2).

Penalty.

## PART VIII.

## PROHIBITIONS AND RESPONSIBILITY FOR ACCIDENTS.

Depositing  
glass, etc.,  
on highway  
prohibited.

**44.**—(1) No person shall throw or deposit or knowingly leave on a highway any glass, nails, tacks, scraps of metal or other material which may be injurious to the tires of motor vehicles, or while the highway is covered with snow, deposit ashes or other refuse thereon. R.S.O. 1927, c. 251, s. 39 (1).

Soliciting  
rides pro-  
hibited.

(2) No person shall, while on the travelled portion of a highway, solicit a ride from the driver or operator of a motor vehicle other than a public vehicle. 1931, c. 54, s. 12.

Penalty.

(3) Any person who violates any of the provisions of subsection 1 or 2 shall incur for the first offence a penalty of not less than \$5 and not more than \$10; for the second offence a penalty of not less than \$10 and not more than \$25, and for any subsequent offence a penalty of not less than \$25 and not more than \$50 and in addition his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 39 (2); 1937, c. 30, s. 12.

Duty of  
person in  
charge in  
case of  
accident.

**45.**—(1) If an accident occurs on a highway, every person in charge of a vehicle who is directly or indirectly a party to the accident shall remain at or return to the scene of the accident and render all possible assistance and give in writing upon request to any one sustaining loss or injury or to any constable or any officer appointed for the carrying out of the provisions of this Act or to any witness, his name and address, and also the name and address of the owner of such vehicle, and the number of the permit, if any.

Penalty.

(2) Any person who violates any of the provisions of subsection 1 shall incur for the first offence a penalty of not less than \$25 and not more than \$100, and shall also be liable to imprisonment for any term not exceeding thirty days and in addition his license or permit may be suspended for any period not exceeding sixty days, and for any subsequent offence, a penalty of not less than \$100 and not more than \$500 and shall also be liable to imprisonment for any term not exceeding six months, and in addition his license or permit may be suspended for any period not exceeding one year. R.S.O. 1927, c. 251, s. 40.

Motor  
owner and  
driver liable  
for penal-  
ties.

**46.** The owner of a motor vehicle shall incur the penalties provided for any violation of this Act or of any regulation made by the Lieutenant-Governor in Council, unless at the time of such violation the motor vehicle was in the possession of

some person other than the owner or his chauffeur, without the owner's consent, and the driver of a motor vehicle not being the owner shall also incur the penalties provided for any such violation. 1929, c. 68, s. 9.

**47.**—(1) The owner of a motor vehicle shall be liable for loss or damage sustained by any person by reason of negligence in the operation of such motor vehicle on a highway unless such motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur, and the driver of a motor vehicle not being the owner shall be liable to the same extent as such owner. 1930, c. 48, s. 10.

Liability for  
loss or  
damage.

(2) Notwithstanding the provisions of subsection 1, the owner or driver of a motor vehicle, other than a vehicle operated in the business of carrying passengers for compensation, shall not be liable for any loss or damage resulting from bodily injury to, or the death of any person being carried in, or upon, or entering, or getting on to, or alighting from such motor vehicle. 1935, c. 26, s. 11.

Non-  
liability for  
injury to  
gratuitous  
passenger.

**48.**—(1) When loss or damage is sustained by any person by reason of a motor vehicle on a highway, the onus of proof that such loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver.

Onus or  
disproving  
negligence.

(2) This section shall not apply in case of a collision between motor vehicles on the highway nor to an action brought by a passenger in a motor vehicle in respect of any injuries sustained by him while a passenger. R.S.O. 1927, c. 251, s. 42.

Application  
of section.

**49.**—(1) No person under the age of sixteen years shall drive or operate a motor vehicle. R.S.O. 1927, c. 251, s. 43 (1); 1935, c. 26, s. 12 (1).

Drivers  
under 16  
prohibited.

(2) No person shall employ or permit anyone under the age of sixteen years to drive or operate a motor vehicle. R.S.O. 1927, c. 251, s. 43 (2); 1935, c. 26, s. 12 (2).

Employ-  
ment of  
drivers  
under 16  
prohibited.

(3) Any person who violates any of the provisions of subsection 1 or 2 shall incur for the first offence a penalty of not less than \$5 and not more than \$10; for the second offence a penalty of not less than \$10 and not more than \$25, and for any subsequent offence a penalty of not less than \$25 and not more than \$50. R.S.O. 1927, c. 251, s. 43 (3).

Penalty.

**50.**—(1) No person shall hire or let for hire a motor vehicle unless the person by whom such motor vehicle is to be

Prohibition  
as to letting  
or hiring.

driven is a person licensed to drive a motor vehicle as required by this Act. R.S.O. 1927, c. 251, s. 44 (1); 1931, c. 54, s. 13.

Non-resident's license.

(2) The provisions of subsection 1 shall not apply to a resident of any other province of Canada or of a country or state which grants similar exemptions and privileges to residents of Ontario, provided such person does not remain in Ontario for more than thirty days in any one year and is the holder of a chauffeur's or operator's license issued by the province, country or state in which he resides. R.S.O. 1927, c. 251, s. 44 (2); 1933, c. 20, s. 5 (1).

Production of license when hiring motor vehicle.

(3) Every person, whether a resident of Ontario or not, hiring a motor vehicle shall produce his operator's or chauffeur's license for the inspection of the person from whom the vehicle is being hired. 1933, c. 20, s. 5 (2).

Penalty.

(4) Any person who violates any of the provisions of subsection 1 shall incur for the first offence a penalty of not less than \$5 and not more than \$10; for the second offence a penalty of not less than \$10 and not more than \$25, and for any subsequent offence a penalty of not less than \$25 and not more than \$50 and in addition his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 44 (3).

Intoxicated persons not to drive.

**51.**—(1) No intoxicated person shall drive a motor vehicle. R.S.O. 1927, c. 251, s. 45 (1).

Incapable persons not to drive.

(2) No person shall drive, attempt or prepare to drive a motor vehicle when under the influence of drink or drugs so as to be incapable of having proper control of such vehicle. 1930, c. 47, s. 4 (1).

Penalty.

(3) The license or permit or, in case the licensee is also the owner of the motor vehicle, then both the license and permit of a person who is convicted of driving a motor vehicle while intoxicated, or of a violation of the provisions of subsection 2, shall be suspended by the Minister upon report of the magistrate or justice of the peace who makes the conviction, for a period,

- (a) not exceeding six months for the first offence;
- (b) not less than three months and not exceeding one year for the second offence;
- (c) not less than one year and not exceeding two years for the third or any subsequent offence.

R.S.O. 1927, c. 251, s. 45 (2); 1930, c. 47, s. 4 (2).



**52.** Where a person in charge of a vehicle, other than a motor vehicle, or of a horse or other animal used as a means of conveyance, travelling or being on a highway, is, through drunkenness, unable to drive or ride the same with safety to other persons travelling on or being upon the highway, he shall incur for the first offence a penalty of not less than \$10 and not more than \$50; for the second offence a penalty of not less than \$20 and not more than \$100, and for any subsequent offence shall incur a penalty of not less than \$50 and not more than \$200 and shall also be liable to imprisonment for any term not exceeding thirty days. R.S.O. 1927, c. 251, s. 46.

Drunken-  
ness of  
driver or  
rider.

**53.**—(1) No person shall race or drive furiously any horse or other animal, or shout, or use any blasphemous or indecent language upon any highway.

Racing and  
disorderly  
conduct.

(2) Any person who violates any of the provisions of sub-section 1 shall incur for the first offence a penalty of not less than \$10 and not more than \$50; for the second offence a penalty of not less than \$20 and not more than \$100, and for any subsequent offence shall incur a penalty of not less than \$50 and not more than \$200 and shall also be liable to imprisonment for any term not exceeding thirty days. R.S.O. 1927, c. 251, s. 47.

Penalty.

**54.** The use of a highway within Ontario by any person not resident in Ontario operating or responsible for the operation of a motor vehicle within Ontario, shall, by virtue of the right of user conferred by this Act, be deemed to constitute the Registrar an agent of such person for the service of notice or process in any action in Ontario, arising out of a motor vehicle accident in Ontario in which such person is involved subject to the following conditions:

Service of  
notice or  
process on  
non-  
residents.

- (a) Such notice or process may be served by leaving a copy thereof with or at the office of the Registrar, together with a bond in form and by sureties approved by the Registrar in the sum of \$200 conditioned on the failure of the plaintiff to prevail in the action for the purpose of reimbursing the defendant for the expenses necessarily incurred by him in defending the action in Ontario.
- (b) Such service shall be sufficient service if notice of such service and a copy of the notice or process are forthwith sent by registered mail to the defendant and the defendant's return receipt is filed with the Registrar or clerk of the court in which the action or proceeding is brought. 1930, c. 47, s. 5; 1931, c. 54, s. 14.

Service of  
notice, etc.

Sufficiency  
of service.

## PART IX.

## ARRESTS, IMPOUNDING OF MOTOR VEHICLES, AND REWARDS.

Assisting  
peace  
officers.

**55.**—(1) Every person called upon to assist a constable or officer appointed for carrying out the provisions of this Act, in the arrest of a person suspected of having committed any offence mentioned in subsection 2 may assist if he knows that the person calling on him for assistance is a constable or officer appointed for carrying out the provisions of this Act, and does not know that there are no reasonable grounds for the suspicion.

Arrests by  
peace officer  
without  
warrant.

(2) Every constable or officer appointed for carrying out the provisions of this Act, who, on reasonable and probable grounds, believes that a violation of any of the provisions of subsections 1 and 2 of section 4; subsections 1 and 3 of section 5; subsection 1 of section 6; subsection 1 of section 7; section 27, 28, 32, 45 or 51, has been committed, whether it has been committed or not and who, on reasonable and probable grounds, believes that any person has committed such violation, may arrest such person without warrant whether such person is guilty or not.

Arresting  
on view.

(3) Every person may arrest without warrant any person whom he finds committing any such violation.

Detaining  
vehicle  
when arrest  
is made.

(4) A constable or officer appointed for carrying out the provisions of this Act, making an arrest without warrant, may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act, but such motor vehicle may be released on security for its production being given to the satisfaction of a justice of the peace or a magistrate.

Duty of  
person  
arresting  
without  
warrant.

(5) A constable or officer appointed for carrying out the provisions of this Act, making an arrest without warrant shall, with reasonable diligence, take the person arrested before a justice of the peace or magistrate to be dealt with according to law. R.S.O. 1927, c. 251, s. 48.

Impound-  
ing motor  
vehicle.

**56.**—(1) In the event of a third or subsequent conviction under section 3, 19, 27, 28, 45, 49 or 51, the motor vehicle driven by the person convicted at the time of committing the offence of which he was convicted, shall be seized, impounded, and taken into the custody of the law for a period of three months.

Storage of  
vehicles and  
lien there-  
for.

(2) Such motor vehicle shall be stored where the convicting magistrate or justice of the peace shall direct, and all costs and

charges for the care or storage thereof shall be a lien upon such motor vehicle, and the same may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

Rev. Stat.,  
c. 200.

(3) If the person so convicted gives sufficient security to the convicting magistrate or justice of the peace, by bond, recognizance, or otherwise, that such motor vehicle shall not be operated upon any highway during such period of three months, the same may be delivered to the person so convicted or the owner thereof, and if such motor vehicle is operated upon a highway during such period, it shall be deemed to be operated without a permit.

Release of  
vehicle on  
security  
given by  
owner.

(4) A constable or an officer appointed for the carrying out of the provisions of this Act upon the discovery of any motor vehicle apparently abandoned on or near a highway or of any motor vehicle without proper registration plates, shall take such motor vehicle into his custody and may cause the same to be taken to and stored in a suitable place and all costs and charges for removal, care or storage thereof, shall be a lien upon such motor vehicle and the same may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*. R.S.O. 1927, c. 251, s. 49.

Abandoned  
vehicle.

Rev. Stat.,  
c. 200.

**57.** Any by-laws passed by any municipal corporation or board of police commissioners or police trustees for regulating traffic on the highways which are inconsistent with the provisions of this Act, shall be deemed to be repealed, and hereafter all by-laws for regulating traffic on highways shall be submitted to the Department for approval and shall not become operative until the Department shall have approved of same. R.S.O. 1927, c. 251, s. 50.

Municipal  
by-laws  
incon-  
sistent.

**58.**—(1) By-laws may be passed by the councils of all municipalities for paying, on the conviction of the offender and on the order of the judge or magistrate before whom the conviction is had, a reward of not less than \$20 to any person who pursues and apprehends, or causes to be apprehended, any person stealing a motor vehicle within the municipality.

Reward on  
conviction  
of person  
stealing  
motor  
vehicle.

(2) The amount payable shall be in the discretion of the judge or magistrate, but shall not exceed the amount fixed by the by-law. R.S.O. 1927, c. 251, s. 51.

Amount  
payable.

## PART X.

### PROCEDURE, PENALTIES AND CONVICTION.

**59.**—(1) A summons issued for a violation of any of the provisions of this Act shall be served within ten days of the

Time limit  
for serving  
sum-  
monses.

alleged offence; provided, however, that the time for serving such summons may be extended by the presiding magistrate on sufficient evidence being adduced to show that the person summonsed could not be served within the time specified.

Time limit  
extended  
where  
offender  
at fault.

(2) On sufficient evidence being adduced to show that by reason of the default or unlawful act of the person to be summonsed a summons could not be issued and served within the time specified, a magistrate may extend the time for issuing and serving a summons. R.S.O. 1927, c. 251, s. 52.

Time limit  
for insti-  
tuting civil  
actions.

**60.**—(1) Subject to the provisions of subsections 2 and 3 no action shall be brought against a person for the recovery of damages occasioned by a motor vehicle after the expiration of twelve months from the time when the damages were sustained. R.S.O. 1927, c. 251, s. 53 (1); 1930, c. 48, s. 11.

Limitation  
in case of  
death.  
Rev. Stat.,  
c. 210.

(2) Where death is caused the action may be brought within the time limited by *The Fatal Accidents Act*. R.S.O. 1927, c. 251, s. 53 (2).

Action for  
damages.

(3) Notwithstanding the provisions of subsections 1 and 2 when an action is brought within the time limited by this Act, for the recovery of damages occasioned by a motor vehicle and a counterclaim is made by a defendant in respect of damages occasioned in the same accident, the lapse of the time herein limited shall be no bar to such counterclaim. 1935, c. 26, s. 13.

Recovery.

**61.** The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 251, s. 55.

Rev. Stat.,  
c. 136.

Right to  
damages  
reserved.

**62.** No penalty or imprisonment shall be a bar to the recovery of damages by the injured person. R.S.O. 1927, c. 251, s. 56.

Applica-  
tion of  
penalties.

**63.** Every penalty when collected shall be paid to the treasurer of the local municipality in which the offence was committed, if the offence was committed on other than the King's Highway or a county highway, and shall be applied to the general purposes thereof, and if the offence was committed on the King's Highway, the penalty, when collected, shall be paid to the Department and if on a county highway to the treasurer of the county. R.S.O. 1927, c. 251, s. 57; 1929, c. 68, s. 10.

Justice to  
certify con-  
viction to  
Minister.

**64.**—(1) A magistrate or justice of the peace, who makes a conviction under this Act, shall, if the offence was committed by an owner or driver of a motor vehicle, forthwith certify the same to the Minister, setting out the name, address and description of the person so convicted, the number of the permit of the motor vehicle with which the offence was committed, the num-



ber of the section of the Act contravened and the time the offence was committed, and if such offence was committed by a person licensed under section 19 or section 72, also the number of the license, and if three such convictions for an offence against subsection 1 or 3 of section 5, subsection 1 of section 7 or section 27, 28 or 45 are made against the same person, the permit of the motor vehicle with which the offence, for which such third conviction was made, was committed, or the license issued under section 19 or section 72, as the case may be, or both, may in addition to the penalties provided in such section, be cancelled, and in the event of cancellation the offender shall not be entitled to a permit or license for a period of two years thereafter. R.S.O. 1927, c. 251, s. 58 (1); 1931, c. 54, s. 16.

(2) A copy of any writing, paper, or document filed in the Department pursuant to this Act purporting to be certified by the Deputy Minister or the Registrar under the seal of the Department as a true copy shall be received in evidence in all courts without proof of the seal or signature. 1930, c. 48, s. 14. Evidence.

**65.**—(1) If any owner of a motor vehicle is served with a summons to appear in a county other than in which he resides for an offence against this Act, and his defence is that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate then and in that case only he may appear before a justice of the peace in the county in which he resides and in the same manner as if he were being tried for an offence against this Act, give evidence by himself and corroborated by the evidence of at least two other credible witnesses that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate. When owner may appear before justice of the peace.

(2) The said justice, if satisfied of the truth of such evidence, shall forthwith make out a certificate in the form set out as Schedule A to this Act, and forward the same by registered letter post to the justice before whom the summons is returnable. Certificate.

(3) The justice before whom the summons is returnable shall, upon receiving such certificate, thereupon dismiss the charge unless he has reason to believe that the testimony is untrue in whole or in part, in which case he may adjourn the case and again summon the defendant, who shall then be re- Dismissal or adjournment.

quired to attend before him at the place and time mentioned in the summons. R.S.O. 1927, c. 251, s. 59.

General  
penalty.

**66.** Any person who violates any of the provisions of this Act or of any regulation made thereunder where a penalty for the violation is not provided for herein, shall incur for the first offence, a penalty of not more than \$10; for the second offence a penalty of not more than \$20; and for the third offence a penalty of not more than \$30, and for any subsequent offence a penalty of not more than \$50. R.S.O. 1927, c. 251, s. 60.

Penalty for  
operating  
while  
license or  
permit is  
suspended.

**67.** Any person who operates a motor vehicle while the permit for same is suspended and any chauffeur or operator who operates a motor vehicle while his license is suspended shall incur for the first offence a penalty of not less than \$25 and not more than \$100, and shall also be liable to imprisonment for a term not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than \$100 and not more than \$500 and shall also be liable to imprisonment for a term not exceeding six months. R.S.O. 1927, c. 251, s. 61; 1930, c. 48, s. 15.

Interpreta-  
tion.

**68.** Where a penalty is provided in this Act for a first, second, third or subsequent offence, the words "first," "second," "third," or "subsequent" shall relate only to offences committed in the same calendar year; but this shall not apply to offences under section 51. R.S.O. 1927, c. 251, s. 62.

## PART XI.

### TRACTION ENGINES ON HIGHWAYS.

Limit of  
weight.

**69.**—(1) Traction engines, not exceeding fifteen tons in weight, may be used upon any highway subject to the provisions of this Part.

Speed.

(2) The speed of a traction engine shall at no time in cities, towns and villages, exceed the rate of three miles per hour, or elsewhere, the rate of six miles per hour.

Width of  
wheels.

(3) The width of the driving wheels of all such engines shall be at least twelve inches and the wheels of the trucks or wagons drawn thereby shall be at least four inches in width for the first two tons capacity, load and weight of truck included, and at least an additional one-half inch for each additional ton.

Cleats on  
rear wheels.

(4) No traction engine manufactured after the 1st day of January, 1924, and having a weight in excess of three tons shall be operated upon any highway unless the cleats, if any, on

the rear wheels have a smooth surface and are not less than one and one-half inches in width of face, and if the cleats extend the full width of the rim of the wheel, they shall be placed at intervals of not more than six inches and if they do not extend the full width of the rim but are staggered diagonally, they shall be placed at intervals of not more than four and one-half inches, and in no case shall they be placed at an angle of more than thirty degrees with the horizontal axis of the wheel.

(5) No traction engine manufactured after the 1st day of January, 1924, shall be operated upon any highway unless the cleats or flanges, if any, on the wheels are such that the weight resting upon the surface of the highway does not exceed two hundreds pounds upon any square inch of cleat or flange, assuming the entire width of the face of the cleat or flange to bear on the highway. R.S.O. 1927, c. 251, s. 63. Cleats.

**70.**—(1) Before it shall be lawful to run such engine over any highway, the person proposing to run the same shall, at his own expense, strengthen all bridges and culverts to be crossed by such engine, and keep the same in repair so long as the highway is so used. Strengthening bridges.

(2) The cost of such repairs shall be borne by the owners of different engines in proportion to the number of engines run over such bridges or culverts. Owners of different engines to contribute.

(3) Subsections 1 and 2 shall not apply to engines of less than ten tons in weight, used for threshing purposes or for machinery for the construction of roadways. Certain threshing engines not affected.

(4) Before crossing any such bridge or culvert the person proposing to run any traction engine shall lay down on such bridge or culvert planks of sufficient width and thickness to fully protect the flooring or surface of such bridge or culvert from any injury that might otherwise result thereto from the contact of the wheels of such engine, and in default thereof the person in charge and his employer, if any, shall be liable to the corporation of the municipality for all damage resulting to the flooring or surface of such bridge or culvert. R.S.O. 1927, c. 251, s. 64. Planks to be laid on surface of bridge.

**71.** Any person who violates any of the provisions of this Part shall incur a penalty of not less than \$5 and not more than \$25. R.S.O. 1927, c. 251, s. 65. Penalty for contravening Act.

## PART XII.

### OPERATOR'S LICENSE.

**72.**—(1) No person other than one holding a chauffeur's license shall operate or drive a motor vehicle on a highway Operator's license.

unless he holds an operator's license issued to him under this section.

**Penalty.**

(2) Any person who violates any of the provisions of subsection 1 shall incur for the first offence a penalty of not less than \$10 and not more than \$50; for the second offence a penalty of not less than \$20 and not more than \$100, and for any subsequent offence shall incur a penalty of not less than \$50 and not more than \$200 and shall also be liable to imprisonment for any term not exceeding thirty days.

**Terms of license.**

(3) Operators' licenses may be issued by the Minister to such persons for such times and upon such terms and conditions and subject to such regulations and restrictions as the Lieutenant-Governor in Council may prescribe. R.S.O. 1927, c. 251, s. 66.

**As to carrying licenses and production on demand.**

**73.**—(1) Every operator of a motor vehicle shall carry his license with him at all times while he is in charge of a motor vehicle and shall produce it when demanded by a constable or by an officer appointed for carrying out the provisions of this Act.

**Penalty.**

(2) Any person who violates any of the provisions of subsection 1 shall incur, for the first offence, a penalty of not more than \$5; for the second offence, a penalty of not less than \$5 and not more than \$10, and for any subsequent offence a penalty of not less than \$10 and not more than \$25, and in addition his license or permit may be suspended for any period not exceeding thirty days.

**Production of license.**

(3) A person convicted of an offence under this Act, if he holds an operator's license shall forthwith produce his license for the purpose of endorsement.

**Penalty.**

(4) Any person who violates any of the provisions of subsection 3 shall incur, for the first offence, a penalty of not less than \$5 and not more than \$10; for the second offence a penalty of not less than \$10 and not more than \$25; and for any subsequent offence, a penalty of not less than \$25 and not more than \$50, and in addition his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 67.

**When operator may be disqualified.**

**74.** A magistrate or justice of the peace by whom a person is convicted of a violation of this Act, if the person convicted is required to hold an operator's license and does not hold such license, may declare him disqualified to hold such a license for such time as the magistrate or justice of the peace thinks fit and shall so report with the certificate of conviction to the Minister. R.S.O. 1927, c. 251, s. 68.



**75.** The provisions of this Part and any regulations made thereunder shall not apply to residents of the other provinces of Canada, who do not reside or carry on business in Ontario for more than three consecutive months in each year, nor to residents of other countries or states who do not reside in Ontario for more than thirty days in any one year. R.S.O. 1927, c. 251, s. 69.

Exemption  
as to non-  
residents.

### PART XIII.

#### FINANCIAL RESPONSIBILITY OF OWNERS AND DRIVERS.

#### **76.** In this Part,—

#### Definitions

- (a) "Authorized insurer" means an insurer duly licensed under the provisions of *The Insurance Act*, to carry on in Ontario the business of automobile insurance; "Authorized insurer." Rev. Stat., c. 256.
- (b) "Driver's license" means an operator's license and a chauffeur's license issued pursuant to the provisions of this Act; "Driver's license."
- (c) "Motor vehicle" includes "trailer," as defined in this Act; "Motor vehicle."
- (d) "Proof of financial responsibility" means a certificate of insurance, a bond, or a deposit of money or securities given or made pursuant to section 84; "Proof of financial responsibility."
- (e) "Treasurer" means the Treasurer of Ontario; "Treasurer."
- (f) "State" means any state of the United States of America or the District of Columbia; "State."
- (g) "Superintendent of Insurance" means the Superintendent of Insurance appointed under the authority of *The Insurance Act*. 1930, c. 47, s. 6, *part*; 1931, c. 54, s. 17. "Superintendent of Insurance." Rev. Stat., c. 256.

**77.**—(1) Nothing in this Part shall prevent the plaintiff in any action from proceeding upon any other remedy or security available at law. General application.

(2) This Part shall only apply to offences and violations of law committed and to convictions and judgments arising out of motor vehicle accidents occurring, and to motor vehicle liability policies issued or in force, after the 1st day of September, 1930. 1930, c. 47, s. 6, *part*. Application of Part XIII.

**78.**—(1) The driver's license and owner's permit or permits of every person who has been convicted of, or who has forfeited his bail after having been arrested for any one of the following offences or violations of law, namely: Licenses suspended for convictions.

- |                            |   |
|----------------------------|---|
| Reckless driving.          | (a) Any offence for which a penalty is provided in section 27, if any injury to any person or property occurs in connection therewith;  |
| Racing.                    | (b) Any offence for which a penalty is provided in section 28;  |
| Speeding.                  | (c) Exceeding the speed limit fixed by section 26, if any injury to any person or property occurs in connection therewith;  |
| Leaving scene of accident. | (d) An accident having occurred, failing to remain at or return to the scene of the accident in violation of the provisions of section 45;  |
| Driving without a license. | (e) Driving a motor vehicle on a highway without holding a driver's license required by this Act if involved in an accident in which any injury to any person or damage to any property occurs; |
| Criminal offence.          | (f) Any criminal offence involving the use of a motor vehicle;  |
| Other offences.            | (g) Any offence against public safety on highways as may be designated by the Lieutenant-Governor in Council;   |

shall be forthwith suspended by the Minister, and shall remain so suspended, and shall not, at any time thereafter, be renewed, nor shall any new driver's license, or owner's permit, be thereafter issued to such person until he shall have given to the Registrar proof of his financial responsibility. 1930, c. 47, s. 6, *part*; 1931, c. 54, s. 18 (1); 1934, c. 21, s. 9.

Conviction in other provinces or states.

(2) Upon receipt by the Registrar of official notice that the holder of a driver's license, or owner's permit under this Act, has been convicted, or forfeited his bail, in any other province or state in respect of an offence, which, if committed in Ontario would have been, in substance and effect, an offence under, or a violation of the provisions of law mentioned in subsection 1, the Minister shall suspend every driver's license and owner's permit or permits, of such person issued pursuant to this Act, until that person shall have given proof of financial responsibility in the same manner as if the said conviction had been made or the bail forfeited in Ontario. 1930, c. 47, s. 6, *part*.

Non-residents.

(3) If any person to whom subsection 1 applies is not a resident of Ontario, the privilege of operating any motor vehicle within Ontario, and the privilege of operation within Ontario of any motor vehicle owned by him, is suspended and withdrawn forthwith, by virtue of such conviction or

forfeiture of bail, until he has given proof of financial responsibility; provided that the magistrate or justice of the peace before whom such person was charged may, in his discretion, by a written permit signed by him, authorize the operation of such motor vehicle to the boundaries of the province by such route and by such person as the permit may describe. 1930, c. 47, s. 6, *part*; 1931, c. 54, s. 18 (2).

**79.**—(1) Subject to the provisions of section 87, the driver's license and owner's permit or permits, of every person who fails to satisfy a judgment rendered against him by any court in Ontario, or in any other province of Canada, which has become final by affirmation on appeal or by expiry without appeal, of the time allowed for appeal, for damages on account of injury to, or death of any person, or on account of damage to property in excess of \$100, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final, shall be forthwith suspended by the Minister, upon receiving a certificate of such final judgment from the court in which the same is rendered, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's license or owner's permit be thereafter issued to such person until such judgment is satisfied or discharged (otherwise than by a discharge in bankruptcy) to the extent for which financial responsibility is required to be given under section 83 hereof, and until such person gives proof of his financial responsibility. 1930, c. 47, s. 6, *part*; 1935, c. 26, s. 14.

License suspended for failure to pay judgments.

(2) The Lieutenant-Governor in Council, upon the report of the Minister that a state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that state by any court of competent jurisdiction in Ontario, may, by proclamation, declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such state. 1931, c. 54, s. 19.

Reciprocal effect of subs. 1 with states having similar legislation.

(NOTE.—*The provisions of subsection 1 were made applicable to the State of New York by Order-in-Council dated the 26th August, 1931; to the State of New Jersey by Order-in-Council dated the 15th September, 1931; to the State of Pennsylvania by Order-in-Council dated the 9th January, 1934; to the States of Colorado, Indiana, Kentucky, Maryland, Oregon, West Virginia and the District of Columbia by Order-in-Council dated the 16th January, 1937, and to the State of Montana by Order-in-Council dated the 15th May, 1937.*)

Subsequent judgments.

(3) If, after such proof of financial responsibility has been given, any other judgment against such person, for any accident which occurred before such proof was furnished, and after the coming into force of this Part, is reported to the Registrar, the driver's license and owner's permit or permits of such person shall again be, and remain, suspended until such judgment is satisfied and discharged (otherwise than by a discharge in bankruptcy) to the extent set out in subsection 1.

Non-residents.

(4) If any person to whom subsection 1 applies is not resident in Ontario, the privilege of operating any motor vehicle in Ontario, and the privilege of operation in Ontario of any motor vehicle registered in his name, shall be, and is, suspended and withdrawn, forthwith by virtue of such judgment until he has complied with the provisions of subsection 1. 1930, c. 47, s. 6, *part*.

Persons under and over certain ages.

**80.** The Minister may require proof of financial responsibility before issue of an owner's permit or driver's license, or the renewal thereof to any person under the age of twenty-one years or over the age of sixty-five years. 1930, c. 47, s. 6, *part*.

Persons responsible for accidents.

**81.** The Minister may require proof of financial responsibility from any person who, while operating any motor vehicle, shall have been involved in, and, in the opinion of the Minister, is responsible in whole or in part, for any motor vehicle accident resulting in the death of, or injury to, any person, or damage to property in excess of \$100, or from the person in whose name such motor vehicle is registered, or from both, and the Minister may suspend all owner's permits and driver's licenses in such cases until such proof of financial responsibility has been given. 1930, c. 47, s. 6, *part*.

Voluntary filing of financial responsibility.

**82.—(1)** An owner's permit and driver's license, or, in the case of a person not resident in Ontario, the privilege of operating any motor vehicle in Ontario, and the privilege of operation within Ontario of any motor vehicle owned by such non-resident, shall not be suspended or withdrawn under the provisions of this Part, if such owner, driver, or non-resident has voluntarily filed or deposited with the Registrar, prior to the offence or accident, out of which any conviction arises, proof of financial responsibility, which, at the date of such conviction, is valid and sufficient for the requirements of this Part. 1930, c. 47, s. 6, *part*; 1936, c. 27, s. 6.

Registrar may receive proof.

(2) The Registrar shall receive and record proof of financial responsibility voluntarily offered, and if any conviction or judgment against such person is thereafter notified to the Registrar which, in the absence of such proof of financial



responsibility would have caused the suspension of the driver's license or owner's permit under this Part, the Registrar shall forthwith notify the insurer or surety of such person of the conviction or judgment so reported. 1930, c. 47, s. 6, *part*.

**83.** Subject to the provisions of subsection 3 of section 84, proof of financial responsibility shall be given in the following amounts by every driver, and, in the case of an owner, in the said amounts for each motor vehicle registered in his name, by every owner, to whom this Part applies, namely,—

Amounts  
and limits  
of  
financial  
responsi-  
bility.

- (a) at least \$5,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or the death of any one person and, subject to such limit for any one person so injured or killed, at least \$10,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of two or more persons in any one accident; and
- (b) at least \$1,000 (exclusive of interest and costs) for damage to property, except property carried in or upon the motor vehicle, resulting from any one accident. 1930, c. 47, s. 6, *part*; 1931, c. 54, s. 20; 1932, c. 32, s. 6; 1935, c. 26, s. 15.

**84.—(1)** Subject to the provisions of subsection 3 of section 84 proof of financial responsibility may be given in any one of the following forms,—

Proof of  
financial  
responsi-  
bility.

- (a) the written certificate or certificates filed with the Registrar, of any authorized insurer that it has issued, to or for the benefit of the person named therein, a motor vehicle liability policy or policies in form hereinafter prescribed, which, at the date of the certificate or certificates, is in full force and effect, and which designates therein, by explicit description, or by other adequate reference, all motor vehicles to which the policy applies, and any such certificate or certificates shall be in the form approved by the Registrar and shall cover all motor vehicles registered in the name of the person furnishing such proof, and the said certificate, or certificates, shall certify that the motor vehicle liability policy or policies therein mentioned shall not be cancelled or expire, except upon ten days' prior written notice thereof to the Registrar, and until such notice is duly given the said certificate or certificates shall be valid, and sufficient to cover the term of any renewal of such motor

Certificates  
of insur-  
ance.

vehicle liability policy by the insurer, or any renewal or extension of the term of such driver's license or owner's permit by the Minister;

Surety bond.  
Rev. Stat.,  
c. 256.

(b) the bond of a guarantee insurance or surety company, duly licensed in Ontario pursuant to *The Insurance Act*, or a bond with personal sureties, approved as adequate security hereunder, upon application to a judge of the county or district court of the county or district in which such sureties reside, and the bond shall be in form approved by the Registrar and shall be conditioned upon the payment of the amounts specified in this Part, and shall not be cancelled or expire except after ten days' written notice to the Registrar, but not after the happening of the injury or damage secured by the bond as to such accident, injury, or damage, and the said bond shall be filed with the Registrar;

Money or  
securities.

(c) the certificate of the Treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in the amount or value of \$11,000 for each motor vehicle registered in the name of such person, and the Treasurer shall accept any such deposits and issue a certificate therefor, if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the city, county, or district in which the depositor resides. 1930, c. 47, s. 6, *part*; 1931, c. 54, s. 21 (1); 1932, c. 32, s. 7.

Minister  
may require  
additional  
proof.

(2) The Minister may, in his discretion, at any time, require additional proof of financial responsibility, to that filed or deposited by any driver or owner pursuant to this Part, and may suspend the driver's license and owner's permit or permits pending such additional proof. 1930, c. 47, s. 6, *part*.

Fleet of  
cars.

(3) In the case of an owner of ten or more motor vehicles to whom this Part applies, proof of financial responsibility in a form and in an amount, not less than \$50,000, satisfactory to the Minister, may be accepted as sufficient for the purposes of this Part. 1931, c. 54, s. 21 (2).

Proof by  
non-  
residents.

(4) A person who is not a resident of Ontario may, for the purposes of this Part, give proof of financial responsibility as provided in subsection 1, or by filing a certificate of insurance in form approved by the Registrar issued by any insurer authorized to transact insurance in the state or province in

which such person resides, provided such insurer has filed with the Registrar, in the form prescribed by him,—

- (a) a power of attorney authorizing the Registrar to accept service of notice or process for itself and for its insured in any action or proceeding arising out of a motor vehicle accident in Ontario;
- (b) an undertaking to appear in any such action or proceeding of which it has knowledge; and
- (c) an undertaking not to set up as a defence to any claim, action or proceeding under a motor vehicle liability policy issued by it, a defence which might not be set up if such policy had been issued in Ontario in accordance with the law of Ontario relating to motor vehicle liability policies, and to satisfy up to the limits of liability stated in the policy, any judgment rendered and become final against it or its insured by a court in Ontario in any such action or proceeding. 1931, c. 54, s. 21 (3).

(5) If an insurer which has filed the documents described in subsection 4 defaults thereunder, certificates of any such insurer shall not thereafter be accepted as proof of financial responsibility under this Part so long as such default continues, and the Registrar shall forthwith notify the superintendent of insurance and the registrar of motor vehicles or other officer or officers, if any, in charge of registration of motor vehicles and the licensing of operators in all provinces and states where the certificates of such insurer are accepted as proof of financial responsibility. 1931, c. 54, s. 21 (4).

**85.**—(1) The bond filed with the Registrar and the money or securities deposited with the Treasurer shall be held by him in accordance with the provisions of this Part, as security for any judgment against the owner or driver filing the bond or making the deposit, in any action arising out of damage caused after such filing or deposit, by the operation of any motor vehicle.

(2) Money and securities so deposited with the Treasurer shall not be subject to any claim or demand, except an execution on a judgment for damages, for personal injuries, or death, or injury to property, occurring after such deposit, as a result of the operation of a motor vehicle.

(3) If a judgment to which this Part applies is rendered against the principal named in the bond filed with the Registrar, and such judgment is not satisfied within fifteen days after it has been rendered, the judgment creditor may, for his own

use and benefit, and at his sole expense, bring an action on said bond in the name of the Treasurer, against the persons executing such bond. 1930, c. 47, s. 6, *part*.

Chauffeurs  
or members  
of owner's  
family.

**86.** If the Registrar finds that any driver to whom this Part applies, was, at the time of the offence for which he was convicted, employed by the owner of the motor vehicle involved therein as chauffeur, or motor vehicle operator, whether or not so designated, or was a member of the family or household of the owner, and that there is no motor vehicle registered in Ontario in the name of such driver as an owner, then, if the owner of such motor vehicle submits to the Registrar (who is hereby authorized to accept it) proof of his financial responsibility, as provided by this Part, such chauffeur, operator, or other person, shall be relieved of the requirement of giving proof of financial responsibility on his own behalf. 1930, c. 47, s. 6, *part*; 1932, c. 32, s. 8.

Payment of  
judgments  
in instal-  
ments.

**87.** A judgment debtor to whom this Part applies may, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained, for the privilege of paying such judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of such instalments, and while the judgment debtor is not in default in payment of such instalments, he shall be deemed not in default for the purposes of this Part in payment of the judgment, and upon proof of financial responsibility for future accidents pursuant to this Part, the Minister may restore the driver's license, and owner's permits of such judgment debtor, but such driver's license and owner's permits shall again be suspended and remain suspended, as provided in section 79, if the Registrar is satisfied of default made by the judgment debtor, in compliance with the terms of the court order. 1930, c. 47, s. 6, *part*.

Report of  
convic-  
tions, etc.,  
to Regis-  
trar.

**88.**—(1) It shall be the duty of the clerk or registrar of the court (or of the court where there is no clerk or registrar) in which any final order, judgment, or conviction to which this Part applies, is rendered, to forward to the Registrar, immediately after the date upon which the order, judgment, or conviction becomes final by affirmation upon appeal, or by expiry without appeal of the time allowed for appeal, a certified copy of such order, judgment, or conviction, or a certificate thereof, in form prescribed by the Registrar and any such copy of certificate shall be *prima facie* evidence of such order, judgment, or conviction, and the clerk, or other official charged with this duty of reporting to the Registrar shall be entitled to collect and receive a fee of \$1 for each copy or certificate hereby



required, which fee shall be paid as part of the court costs, in case of a conviction, by the person convicted, and, in case of an order or judgment, by the person for whose benefit judgment is issued.

(2) If the defendant is not resident in Ontario it shall be the duty of the Registrar to transmit to the registrar of motor vehicles, or other officer or officers, if any, in charge of the registration of motor vehicles, and the licensing of operators in the province or state in which the defendant resides, a certificate of the said order, judgment, or conviction. 1930, c. 47, s. 6, *part*.

Notification  
in case of  
non-  
residents.

**89.**—(1) The Registrar shall, upon request, furnish to any insurer, surety or other person, a certified abstract of the operating record of any person, subject to the provisions of this Part, which abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and the record of any conviction of such person for a violation of any provision of any statute relating to the operation of motor vehicles, or any judgment against such person for any injury or damage caused by such person, according to the records of the Registrar, and if there is no record of any such conviction or judgment in the office of the Registrar, the Registrar shall so certify, and the Registrar shall collect as a fee for each such certificate, the sum of \$1.

Abstract of  
operating  
record.

(2) The Registrar, upon written request, shall furnish any person who may have been injured in person or property by any motor vehicle, with all information of record in his office pertaining to the proof of financial responsibility of any owner or driver of any motor vehicle furnished pursuant to this Part. 1930, c. 47, s. 6, *part*.

Particulars  
of security  
to be fur-  
nished.

**90.**—(1) Any owner or driver whose permit or license has been suspended, as herein provided, or whose policy of insurance or surety bond has been cancelled or terminated as herein provided, or who neglects to furnish additional proof of financial responsibility upon the request of the Registrar, as herein provided, shall immediately return to the Registrar his driver's license, his motor vehicle permit or permits, and all license plates issued thereunder.

Return of  
permit and  
plates when  
license  
suspended.

(2) If any such person fails to return his license, permits and plates as provided herein, the Registrar may direct any police officer to secure possession thereof and return the same to the office of the Registrar.

Police  
officer may  
secure  
possession.

(3) Any person failing to return his license, permits and plates when so required, or refusing to deliver the same when requested to do so by the police officer, shall be guilty of an

Penalty.

offence and incur a penalty of not less than \$10, and not more than \$100 for each offence. 1930, c. 47, s. 6, *part*.

Transfer of  
suspended  
permit.

**91.** If an owner's permit has been suspended under the provisions of this Part, such permit shall not be transferred nor the motor vehicle in respect of which such permit was issued, registered in any other name until the Minister is satisfied that such transfer or registration is proposed in good faith, and not for the purpose, or with the effect, of defeating the purposes of this Part. 1930, c. 47, s. 6, *part*.

Cancellation  
and  
return of  
security.

**92.—(1)** The Minister may waive the requirement of filing proof of financial responsibility or may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part, as proof of financial responsibility at any time after three years from the date upon which such proof was required to be given, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any three year period immediately preceding the request, been convicted of any offence mentioned in section 78, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property in excess of \$100 resulting from the operation of a motor vehicle, and a statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar. 1930, c. 47, s. 6, *part*; 1935, c. 26, s. 16.

Substitution  
of  
security.

**(2)** The Minister may direct the return of any bond, money, or securities, to the person who furnished the same, upon the acceptance and substitution of other adequate proof of financial responsibility, pursuant to this Part.

Return of  
security  
when motor  
vehicle is  
sold.

**(3)** The Minister may direct the return of any bond, money or securities deposited under this Part to the person who furnished the same at any time after three years from the date of the expiration or surrender of the last owner's permit or driver's license issued to such person, if no written notice has been received by the Registrar within such period of any action brought against such person in respect of the ownership, maintenance, or operation of a motor vehicle, and upon the filing by such person with the Registrar, of a statutory declaration that such person no longer resides in Ontario, or that such person had made a *bona fide* sale of any and all motor vehicles owned by him, naming the purchaser thereof, and that he does not intend to own or operate any motor vehicle in Ontario within a period of one or more years. 1930, c. 47, s. 6, *part*.

**93.**—(1) A motor vehicle liability policy referred to in this Part shall be in the form prescribed by *The Insurance Act* for an owner's policy or a driver's policy, as the case may be, and approved thereunder by the Superintendent of Insurance for the purposes of this Part.

Form of  
policy.  
Rev. Stat.,  
c. 256.

(2) Any insurer which has issued a motor vehicle liability policy shall, as and when the insured may request, deliver to him for filing, or file direct with the Registrar, a certificate for the purposes of this Part.

Filing of  
certificate.

(3) A certificate filed with the Registrar for the purposes of this Part shall be deemed to be a conclusive admission by the insurer that a policy has been issued in the form prescribed by subsection 1 and in accordance with the terms of the certificate.

Certificate  
conclusive.

(4) Every insurer shall notify the Registrar of the cancellation or expiry of any motor vehicle liability policy, for which a certificate has been issued to the Registrar under this Part, at least ten days before the effective date of such cancellation or expiry, and, in the absence of such notice of cancellation or expiry, such policy shall remain in full force and effect.

Notice of  
cancellation  
of  
insurance.

(5) Where a person, who is not a resident of Ontario, is a party to an action for damages arising out of a motor vehicle accident in Ontario for which indemnity is provided by a motor vehicle liability policy, the insurer named in the policy shall, as soon as it has knowledge of the action from any source, and whether or not liability under such policy is admitted, notify the Registrar in writing, specifying the date and place of the accident and the names and addresses of the parties to the action and of the insurer, which notification shall be open to inspection by parties to the action.

Notice of  
accidents  
involving  
non-  
residents.

(6) Notwithstanding anything in this Part contained, the Registrar may decline to accept as proof of financial responsibility the certificates of any insurer which fails to comply with the provisions of subsection 5. 1932, c. 32, s. 9.

Refusal of  
certificates.

## PART XIV.

### ACCIDENT REPORTING, STATISTICS AND RATING.

**94.**—(1) Every person in charge of a motor vehicle who is directly or indirectly involved in an accident shall, if the accident results in personal injuries, or in damage to property apparently exceeding \$50, report such accident forthwith to the nearest provincial or municipal police officer, and furnish him with such information or written statement concerning the accident as may be required by the officer or by the Registrar.

Duty to  
report  
accident.

Where person unable to report.

(2) Where such person is physically incapable of making a report, and there is another occupant of the motor vehicle, such occupant shall make the report.

Duty of police officer.

(3) A police officer receiving a report of an accident, as required by this section, shall secure from the person making the report, or by other inquiries where necessary, such particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and such other information as may be necessary to complete a written report concerning the accident to the Registrar.

Registrar may require additional information.

(4) The Registrar may require any person involved in an accident, or having knowledge of an accident, the parties thereto, or any personal injuries or property damage resulting therefrom, to furnish, and any police officer to secure, such additional information and make such supplementary reports of the accident as he may deem necessary to complete his records, and to establish, as far as possible, the causes of the accident, the persons responsible, and the extent of the personal injuries and property damage, if any, resulting therefrom.

Reports and statements without prejudice.

(5) Any written reports or statements made or furnished under this section shall be without prejudice, shall be for the information of the Registrar, and shall not be open to public inspection, and the fact that such reports and statements have been so made or furnished shall be admissible in evidence solely to prove compliance with this section, and no such reports or statements, or any parts thereof or statement contained therein, shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of a motor vehicle accident.

Penalty.

(6) Any person who fails to report or furnish any information or written statement required by this section shall incur a penalty of not less than \$10, and not more than \$50, and in addition the Minister may suspend the operator's or chauffeur's license and owner's permit or permits of any such persons. 1930, c. 47, s. 6, *part*.

Reports by coroners.

**95.**—(1) Every coroner who investigates, and every Crown attorney and police officer having a knowledge of a fatal accident in which a motor vehicle is involved, shall secure such particulars of the accident, the persons involved, and other information as may be necessary to complete a written report to the Registrar on the forms prescribed for that purpose, and shall transmit such report forthwith to the Registrar. 1930, c. 47, s. 6, *part*; 1931, c. 54, s. 23.



(2) Every provincial or municipal official or employee, hospital, or charitable institution, insurer, or other person or organization shall furnish to the Registrar such reports and other information relating to motor vehicle accident statistics and traffic control generally, as may be required by the regulations. Registrar may request information respecting accidents and traffic control.

(3) The Lieutenant-Governor in Council, by regulation, may allow any person or organization making reports or furnishing information under this section, such compensation for so doing as may be deemed proper. 1930, c. 47, s. 6, *part*. Compensation may be allowed.

**96. The Registrar shall,—**

Duties of Registrar.

- (a) prepare and supply to police officers and other persons and organizations, blank forms approved by the Minister for accident and other reports which shall call for such particulars concerning accidents, the person involved, and the extent of the personal injuries and property damage, if any, resulting therefrom, and such other information as may be required by the regulations; To supply accidents report forms.
- (b) make such investigation of, and call for such written reports concerning, motor vehicle accidents, traffic conditions, and other matters, as he may deem necessary and proper, and for that purpose may require the assistance of any provincial or municipal police officer; To investigate accidents.
- (c) keep the following records,— To keep records.
  - (i) a record of all motor vehicle accidents in the Province, reported to him or concerning which he procures information; Accidents.
  - (ii) a record of all convictions for offences under this Act or under the provisions of the *Criminal Code* of Canada, relating to driving on highways, reported to him pursuant to section 64, and of such other convictions as he may deem proper; Convictions.  
R.S.C.  
c. 36.
  - (iii) a record of all drivers' licenses and owners' permits issued, suspended, revoked, cancelled or revived, under this Act; Licenses and permits suspended or cancelled.
  - (iv) a record of all unsatisfied judgments rendered against persons holding owners' permits or drivers' licenses under this Act, or non-residents reported to him pursuant to the provisions of this Act; Unsatisfied judgments.

Persons required to prove financial responsibility.

(v) a record of all persons required to show evidence of financial responsibility pursuant to the provisions of Part XIII;

Operating records of all drivers.

(vi) an operating record of every chauffeur and operator, which record shall show all reported convictions of such chauffeur or operator for a violation of any provision of any statute relating to the operation of motor vehicles, and all reported unsatisfied judgments against such person for any injury or damage caused by such person while operating a motor vehicle and all accidents in which the records of the Registrar indicate such chauffeur or operator has been involved, and such other information as the Registrar may deem proper; and

Other records.

(vii) such other records as he may be directed to keep by the Minister;

To collect and analyze accident and traffic statistics.

(d) develop adequate uniform methods of accident and traffic statistics, and study accident causes and trends, traffic problems, and regulations;

To prepare annual report for Minister.

(e) prepare for the Minister an annual report showing the results of such reporting, collection, analysis, and study, and embodying his recommendations for the prevention of motor vehicle accidents and the solution of traffic problems, and such report shall be printed and published forthwith upon completion. 1930, c. 47, s. 6, *part.*

Classification of drivers.

**97.**—(1) The Lieutenant-Governor in Council upon report by the Minister that, in his opinion, the records of his Department are sufficient to warrant classification based thereon, may make regulations in accordance with which the Registrar shall classify persons who have been convicted for a violation of any statute relating to the operation of motor vehicles, or who have been responsible for accidents or who have been required to prove their financial responsibility under this Act, or whose operating record has otherwise shown them to be extra-hazardous risks for the purposes of motor vehicle liability insurance, and as such, liable to demerit rating under this section.

Demerit rating.

How classified.

(2) When a person becomes liable to demerit rating he shall be classified by the Registrar in accordance with the regulations in any one of the three classes, to be known as Classes "A", "B", and "C", in accordance with the seriousness of his offence, or the character of his operating record.

(3) Where a person has been classified in Class "A", he shall be charged and shall pay for motor vehicle liability insurance ten per centum in excess of the standard premium rate, and when classified in Class "B", twenty-five per centum in excess of the standard premium rate, and when classified in Class "C", fifty per centum in excess of the standard premium rate.

50 per cent.,  
25 per cent.,  
10 per cent.,  
surcharge  
on insur-  
ance rate.

(4) The names of persons who have been classified for demerit rating under this section shall be published by the Registrar within one week in the *Ontario Gazette*.

Publication  
in *Ontario  
Gazette*.

(5) Upon request of the Registrar, any authorized insurer shall certify to him the premium rate which has been charged any person for motor vehicle liability insurance and furnish him with a certified copy of any motor vehicle liability insurance policy issued to such person.

Insurer to  
certify rate  
charged any  
person and  
to furnish  
copy of any  
policy.

(6) Any officer or employee or agent of an authorized insurer who charges a premium rate lower than the rate a person whose name has been published in the *Ontario Gazette* is liable to pay upon being classified under this section, or who, wilfully, at any time, certifies that a premium rate has been charged such a person other than the rate actually charged, shall incur a penalty of not less than \$25 and not more than \$500.

Penalty for  
charging  
improper  
rate.

(7) The Registrar shall, upon application after the expiration of twelve months, re-classify any person classified under this section, whose operating record during the intervening period has been satisfactory, in the next lower class for demerit rating, or, if such person is classified in Class "A", eliminate him from classification.

Re-classifi-  
cation after  
twelve  
months into  
lower class.

(8) When any person classified under this section commits an additional offence, or otherwise so acts as to make him liable, if unclassified, to classification under this section, the Registrar shall re-classify him in a higher class for demerit rating in the same manner as though he had not previously been classified, or, if such person is already classified in Class "C", the Minister shall suspend his driver's license for a period of not less than twelve months.

Re-classifi-  
cation into  
higher  
class.

(9) The expression "standard premium rate" used in this section means the rate which would be charged in the absence of demerit rating under this section according to the schedules of rates and rules filed by an authorized insurer with the Superintendent of Insurance pursuant to *The Insurance Act*.

Meaning of  
"standard  
premium  
rate."

Rev. Stat.,  
c. 256.

(10) Any person aggrieved by a decision of the Registrar under this section, may appeal to the Minister and the decision

Appeal.

of the Minister shall be final and binding and without appeal.  
1930, c. 47, s. 6, *part*.

### SCHEDULE A.

#### CERTIFICATE OF JUSTICE.

*(Referred to in Section 65).*

I (*name of Justice*), a Justice of the Peace in and for the  
County of \_\_\_\_\_ hereby certify

1. That (*name of defendant*), of the  
of \_\_\_\_\_ in the county of  
(*occupation*), this day appeared before me and produced to me  
a summons issued by (*name of Justice issuing summons*), a  
Justice of the Peace in and for the county of \_\_\_\_\_, for  
an offence against *The Highway Traffic Act*, said to have been  
committed with respect to a car bearing the official number  
plate number \_\_\_\_\_ for this year, said offence being alleged  
to have been committed on the \_\_\_\_\_ of \_\_\_\_\_ in  
the county of \_\_\_\_\_ on the  
day of \_\_\_\_\_.

2. That the said (*name of defendant*) has deposed before me  
that neither he nor his motor vehicle was at the said place on  
the said \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,  
and that the summons must have been issued against him  
through an error of the informant as to the number on the  
official number plate, and his testimony in this respect has been  
corroborated by the testimony of two credible witnesses,  
namely (*here insert the names of two witnesses*).

3. The depositions of the said defendant and of the witnesses  
in paragraph two of this certificate referred to are attached  
hereto.

4. That I am satisfied of the truth of the testimony given  
before me this day by (*name of defendant and two witnesses*),  
and give this certificate in pursuance of subsection 2 of section  
65 of *The Highway Traffic Act*.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_,  
19 \_\_\_\_\_.

.....J.P.

(NOTE.—*Attach depositions of defendant and witnesses to  
this certificate.*)

R.S.O. 1927, c. 251, Sched. A.



## CHAPTER 289.

### The Public Vehicle Act.

#### 1. In this Act,—

Interpreta-  
tion.

- (a) "Department" shall mean Department of Highways; "Depart-  
ment."
- (b) "Highway" shall mean highway as defined by *The Highway Traffic Act*; R.S.O. 1927, c. 252, s. 1, cls. (a, b). "Highway."  
Rev. Stat.  
c. 288.
- (c) "Public vehicle" shall mean any motor vehicle operated on a highway by, for, or on behalf of any person who receives compensation either directly or indirectly for the transportation of passengers, or passengers and express freight which might be carried in a passenger vehicle, but shall not include the cars of electric or steam railways running only upon rails, nor motor vehicles operated solely within the corporate limits of one urban municipality; 1935, c. 59, s. 2. "Public  
vehicle."
- (d) "Toll" shall mean any fee or rate charged, levied or collected by any person for the carriage of passengers and express freight by a public vehicle. R.S.O. 1927, c. 252, s. 1, cl. (d). "Toll."

**2.—(1)** No person shall conduct upon a highway by means of a public vehicle, the business of a carrier of passengers, or passengers and express freight, unless licensed so to do, under this Act. R.S.O. 1927, c. 252, s. 2 (1); 1935, c. 59, s. 3 (1); 1936, c. 56, s. 13 (1). License for  
public  
vehicles.

(2) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of passengers by means of a vehicle operated on a highway by, for, or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for, or on behalf of whom the vehicle is operated is licensed under this Act. 1935, c. 59, s. 3 (2). Advertising  
by  
unlicensed  
persons.

(3) Any person who violates the provisions of subsection 1 or 2 shall incur, for the first offence, a penalty of not less than \$10 and not more than \$25; for the second offence, not less than \$50 and not more than \$100, and for the third offence, not Penalty.

less than \$100 and not more than \$200. R.S.O. 1927, c. 252, s. 2 (2); 1937, c. 72, s. 53 (1).

Terms of  
license.

(4) The license for such purpose may be issued upon such terms and subject to such regulations and restrictions as the Lieutenant-Governor in Council may prescribe.

Permits.

(5) The Department may issue permits conferring special, exclusive or limited rights with respect to public vehicles so licensed and with respect to any highway or highways or portions thereof, named and described in said special permits.

Number of  
passengers  
and tonnage  
of freight.

(6) The license and permit issued by the Department shall fix the number of passengers or tonnage of express freight which each public vehicle shall carry, and no vehicle shall at any time carry more passengers or more tonnage than is fixed by the said license.

Permits in  
special  
cases.

(7) A permit conferring exclusive rights for the operation of a public vehicle shall not preclude the granting of a permit for the operation of any public vehicle on the same highway or any portion thereof where the granting of such last mentioned permit appears to the Department to be necessary in the public interest in order to enable passengers or express freight to be carried to any terminal point from areas or terminal points other than those named in such exclusive permit.

Fees.

(8) The fees for such licenses or permits may be based upon a proportion of the receipts, mileage travelled or number or amount of passengers, or passengers and express freight, or upon any other basis which the Department may deem advisable.

To be in  
addition to  
fees imposed  
under  
Rev. Stat.  
c. 288.

(9) The fees for licenses and permits for public vehicles shall be in addition to any fee imposed under *The Highway Traffic Act*, or any other Act.

License  
plate—what  
to show.

(10) Every public vehicle shall, while being operated upon a highway, have attached to and exposed on each side thereof, in a conspicuous position, a license plate issued by the Department showing in plain figures the number of the license issued for such vehicle for the current year. R.S.O. 1927, c. 252, s. 2 (3-9).

Approval of  
Municipal  
Board.

**3.—**(1) Notwithstanding the provisions of section 2 or of any regulation made under the authority of this Act, no license or permit shall be issued to any person without the approval of the Ontario Municipal Board being first obtained as evidenced by a certificate in writing of the said Board of public necessity and convenience furnished to the Department, and then only in accordance with such certificate.

(2) The Ontario Municipal Board shall have and may exercise all jurisdiction and powers necessary for the purposes of subsection 1, and may grant or refuse any application made to it for the approval and certificate mentioned in such subsection, and every such application shall be made in writing after a copy thereof has first been filed with the Department.

Powers of Board.

(3) The provisions of subsection 1 shall not require that any renewal of a license or permit be approved by the said Board, unless the Department refers the application for such renewal to the said Board. 1933, c. 53, s. 2.

Renewals.

4.—(1) Subject to the provisions of subsection 2, a person holding a license or permit under the provisions of this Act may operate his vehicle in and through any municipality covered by such license or permit without holding a license under the provisions of any by-law of any such municipality except where he takes on passengers or express freight within the limits of a municipality and discharges such passengers or express freight within the limits of that municipality.

Municipal license—when required.

(2) The corporation of any such municipality may, with the approval of the Department, designate by by-law, the streets within the municipality over which the person holding such permit may operate his vehicle. R.S.O. 1927, c. 252, s. 3.

Designation of streets.

5. A by-law may be passed by the council of any city requiring a person holding a license or permit under the provisions of this Act, and who operates a public vehicle over a route partly within and partly without the limits of such city to also pay to the corporation of such city a fee or charge not being in the nature of a license fee, and such by-law shall not come into effect unless and until approved by the Department, and the Department shall fix the fee to be charged. 1928, c. 43, s. 2.

Payment of annual charge to city.

6.—(1) No tolls shall be charged until a tariff of such tolls has been filed with and approved by the Department, nor shall any tolls be charged under any tariff or portion thereof disallowed by the Department, nor shall any person charge, levy and collect any toll for any service as a common carrier except under the provisions of this Act.

Tolls.

(2) A tariff of tolls approved by the Department shall be subject to revision by the Department at any time, and no tolls shall thereafter be charged except in accordance with such revised tariff. R.S.O. 1927, c. 252, s. 5.

Tariffs of tolls to be approved by Department.

Power to  
cancel  
or suspend  
license.  
Rev. Stat.  
c. 288.

**7.** The Department may at any time cancel or suspend the license issued for any public vehicle by reason of a breach of this Act or *The Highway Traffic Act*, or of the regulations made under this Act or *The Highway Traffic Act*. R.S.O. 1927, c. 252, s. 6.

Approval of  
Department  
to transfer  
of license.

**8.** No right, privilege, franchise or license held, owned or obtained by any person under this Act shall be sold, assigned, leased or transferred except with the approval of the Department had and obtained in writing. R.S.O. 1927, c. 252, s. 7.

Inspection.

**9.** Every public vehicle shall be maintained in a safe and sanitary condition at all times and shall be at all times subject to the inspection of the Department and its duly authorized representatives. R.S.O. 1927, c. 252, s. 8.

Speed-  
ometer.

**10.** Every public vehicle shall be equipped with a standard speedometer which shall be maintained in good working order. R.S.O. 1927, c. 252, s. 9.

Lights.

**11.** Every public vehicle having a covered top or top up, shall maintain a light or lights of not less than two candle power each within the vehicle and so arranged as to light up the whole of the interior of the vehicle, and such light or lights shall be kept constantly lighted between the hours of sunset and sunrise at all times when such vehicle is occupied by passengers. R.S.O. 1927, c. 252, s. 10.

Extra tire.

**12.** Every public vehicle shall when leaving either terminus be equipped with at least one extra serviceable tire. R.S.O. 1927, c. 252, s. 11.

Brakes.

**13.** Every public vehicle shall be equipped with satisfactory brakes and such brakes shall at all times be maintained in good condition and with a braking power sufficient to lock the rear wheels of said vehicle when brakes are fully applied and the vehicle is operated at a speed of ten miles per hour. R.S.O. 1927, c. 252, s. 12.

Chains.

**14.** Every public vehicle shall at all times carry a set of skid chains which shall be applied to the rear wheels whenever necessary to prevent skidding. R.S.O. 1927, c. 252, s. 13.

Fire  
exting-  
uisher.

**15.** Every public vehicle shall be equipped with a liquid fire extinguisher of a design or type approved by the Department and such extinguisher shall be kept in satisfactory operative condition at all times. R.S.O. 1927, c. 252, s. 14.



**16.** Drivers of public vehicles shall be at least twenty-one years of age, of good moral character, fully competent to operate the vehicles under their charge and shall hold a license from the Department as required by section 19 of *The Highway Traffic Act*. R.S.O. 1927, c. 252, s. 15. Drivers,—  
qualifica-  
tion of.  
Rev. Stat.  
c. 288.

**17.** No driver or operator of any public vehicle carrying passengers shall drink any intoxicating liquor during the time he is on duty or at any time use intoxicating liquor to excess. R.S.O. 1927, c. 252, s. 16. Prohibition  
as to  
drinking.

**18.** No driver or operator of any public vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle. R.S.O. 1927, c. 252, s. 17. As to  
smoking.

**19.** No person owning, controlling, operating or managing any public vehicle shall cause or allow any driver or operator of such public vehicle to work as driver or operator for more than a maximum of ten hours in any twenty-four hour period. R.S.O. 1927, c. 252, s. 18; 1935, c. 59, s. 4. Maximum  
of working  
hours.

**20.** No driver or operator of any public vehicle shall refuse to carry any person offering himself or herself at any regular stopping place for carriage and who tenders the regular fare to any regular stopping place on the route of said motor vehicle or between the termini thereof, unless at the time of such offer the seats of said public vehicle are fully occupied, but the driver or operator of a public vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane or obscene language. R.S.O. 1927, c. 252, s. 19. Right of  
person to  
be trans-  
ported.

**21.—(1)** No driver or operator shall allow passengers to ride on the running boards, fenders or any part of the vehicle other than the seats thereof, except that a vehicle may carry as standing passengers in the aisles thereof not more than one-third the number of persons for which seats are provided. Passengers  
not to be  
allowed on  
running  
board, etc.

**(2)** No driver or operator of a public vehicle shall permit or allow on the front seat of such public vehicle more passengers than the seat is designed to carry, exclusive of the driver, or permit or allow any passenger to occupy any other portion of the vehicle forward of the back of the driver's seat. Restrictions  
as to  
seating.

**(3)** No passenger shall be allowed to sit on the front seat to the left of the driver if a left-hand drive motor vehicle, or to the right of the driver if a right-hand drive motor vehicle. Beside  
driver.

**Front seat.** (4) No more than one passenger shall occupy the front seat of any motor vehicle with a touring car body operated by a centre control. R.S.O. 1927, c. 252, s. 20.

**Trailers forbidden.** **22.** Except when specially authorized by the Department, no public vehicle shall be operated or driven with any trailer or other vehicle attached thereto, except where a vehicle becomes disabled while on a trip, and is unable to run from its own power, when such disabled car may be towed to the nearest point where repair facilities are available. R.S.O. 1927, c. 252, s. 21.

**Luggage.** **23.** A public vehicle shall not carry or transport any luggage, baggage, package, trunk, crate or other load which extends beyond the running board of such vehicle. R.S.O. 1927, c. 252, s. 22.

**Exits.** **24.** Every public vehicle shall have at least two doors or exits, one of which shall be at or near the rear of the vehicle. R.S.O. 1927, c. 252, s. 23.

**Insurance.** **25.**—(1) Every person licensed under this Act shall with respect to every public vehicle which is operated by him, or for, or on his behalf, provide or effect and carry such bond or insurance as the Lieutenant-Governor in Council may by regulation prescribe. 1934, c. 49, s. 3.

**Liability coverage to passengers absolute.** Rev. Stat. c. 256. (2) To the extent of the limits prescribed by regulation the provisions of subsection 5 of section 205 of *The Insurance Act* shall not apply to a motor vehicle liability policy provided for the protection of passengers of a public vehicle, as required by subsection 1 and the regulations passed thereunder. 1936, c. 56, s. 13 (2).

**Penalty for violation of rights granted by license.** **26.** Where a license or permit confers exclusive rights with respect to the operation of any public vehicle over a highway or any portion thereof, every person who operates a vehicle on such highway in such manner as to prejudice the exclusive rights granted by the license or permit shall be guilty of an offence under this Act and shall incur a penalty of not less than \$25 nor more than \$100 for each day upon which such vehicle has been operated. R.S.O. 1927, c. 252, s. 26.

**Offences and penalties.** **27.** Every person who contravenes any of the provisions of this Act or of any regulations made thereunder for which no penalty is provided shall be guilty of an offence and shall incur a penalty for the first offence not exceeding \$10, for the second offence not exceeding \$20, for the third offence not ex-

ceeding \$30 and for every subsequent offence not exceeding \$50, and every penalty so imposed shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund and an equivalent amount shall be placed to the credit of The Highway Improvement Fund Account. R.S.O. 1927, c. 252, s. 27.

**28.** The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 252, s. 28. Recovery of penalties. Rev. Stat. c. 136.

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## CHAPTER 290.

## The Commercial Vehicle Act.

Interpre-  
tation.

## 1. In this Act,—

"Board."

(a) "Board" shall mean Ontario Municipal Board;

"Depart-  
ment."

(b) "Department" shall mean Department of Highways;

"Goods."

(c) "Goods" shall include all classes of materials, wares and merchandise, live stock and milk;

"Highway."  
Rev. Stat.  
c. 288.(d) "Highway" shall mean "highway" as defined in *The Highway Traffic Act*;

"Minister."

(e) "Minister" shall mean Minister of Highways;

"Owner."

(f) "Owner" shall mean a person registered under *The Highway Traffic Act* as the owner of a motor vehicle;"Private  
commercial  
vehicle."  
Rev. Stat.  
c. 288.(g) "Private commercial vehicle" shall mean a commercial motor vehicle or trailer as defined in *The Highway Traffic Act*, having a registered gross weight of 6,000 pounds or more and operating regularly in the ordinary and usual course of the business of the owner beyond the limits of any urban zone, but shall not include a commercial motor vehicle or trailer customarily used for the transportation from a farm or forest of goods which are the product of such farm or forest and incidentally used for the transportation of other goods, wares or merchandise, the property of the owner of such farm or forest;"Public  
commercial  
vehicle."  
Rev. Stat.  
c. 288.(h) "Public commercial vehicle" shall mean a commercial motor vehicle or trailer as defined in *The Highway Traffic Act*, operated on a highway by, for, or on behalf of any person who receives compensation for the transportation of goods and not confined in its operation to any urban zone, but shall not include a commercial motor vehicle or trailer used only for the transportation from a farm or forest of goods other than live stock and milk which are the product of such farm or forest;

"Toll."

(i) "Toll" shall mean any fee or rate charged, levied or collected for the transportation of goods or for use of a public commercial vehicle;



- (j) "Transportation" shall with respect to goods mean <sup>"Transportation."</sup> and include the transportation, carriage, shipment, care, handling, storage or delivery thereof;
- (k) "Urban zone" shall mean an area consisting of one <sup>"Urban Zone."</sup> urban municipality and lands adjacent thereto and within a distance of three miles therefrom. 1936, c. 9, s. 2.

## PART I.

### PUBLIC COMMERCIAL VEHICLES.

**2.** No person shall conduct upon a highway by means of a <sup>License</sup> public commercial vehicle the business of transportation of <sup>required.</sup> goods unless licensed so to do by the Department under the provisions of this Act. 1936, c. 9, s. 3.

**3.—(1)** No person other than a duly authorized agent of an <sup>Agents.</sup> owner of a public commercial vehicle shall carry on the business of an agent for the transportation of goods upon the highways.

(2) A duly authorized agent of an owner of a public commercial vehicle shall be appointed in writing and such appointment shall be signed by the owner and shall at all times be kept posted up and displayed in a conspicuous place on the premises at which such agent conducts the <sup>Agency</sup> agency business. <sup>authority.</sup> 1936, c. 9, s. 4.

**4.—(1)** No license shall be issued to the owner of a public <sup>Certificate</sup> commercial vehicle without the approval of the Board being <sup>of Municipal Board.</sup> first obtained as evidenced by a certificate of public necessity and convenience of the said Board furnished to the Department and then only in accordance with such certificate.

(2) It shall not be necessary to the renewal by the Department of any such license that the approval of the Board be <sup>Renewals of</sup> obtained unless the Department shall have referred the application for such renewal to the Board for its approval. 1936, c. 9, s. 5. <sup>licenses.</sup>

## PART II.

### PRIVATE COMMERCIAL VEHICLES.

**5.—(1)** No person shall operate a private commercial <sup>Private</sup> vehicle upon a highway unless licensed so to do by the Department <sup>commercial</sup> under the provisions of this Act. <sup>vehicle,</sup> <sup>necessity</sup> <sup>for license.</sup>

Applications  
and ques-  
tions may  
be referred  
to Board.

(2) The Minister may refer any application for a license for a private commercial vehicle or any matter or question relating to any such application to the Board and may require the Board to determine whether any commercial vehicle, which is not a public commercial vehicle, operates regularly beyond the limits of any urban zone, and a statement of the findings of the Board certified by the chairman shall be furnished to the Department. 1936, c. 9, s. 6.

### PART III.

#### GENERAL.

Terms of  
licenses.

**6.** Licenses issued by the Department shall be subject to the regulations made under the authority of this Act. 1936, c. 9, s. 7.

Regulations.

**7.** The Lieutenant-Governor in Council, upon the recommendation of the Minister may make regulations,—

- (a) respecting the issue, extension, renewal, transfer, suspension and revocation of licenses;
- (b) respecting the payment of fees and the amount and time of payment of such fees;
- (c) fixing the amount, nature and class of insurance or bond which shall be provided or carried by owners;
- (d) prescribing the form of bill of lading to be used;
- (e) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;
- (f) prescribing the method of book-keeping or accounting to be used and the returns or statements to be filed;
- (g) prescribing, regulating and limiting the hours of labour for drivers;
- (h) prescribing the minimum age of drivers and minimum rates of pay or wages for drivers;
- (i) generally for the better carrying out of the provisions of this Act. 1936, c. 9, s. 8.

Powers of  
Municipal  
Board.

**8.** The Board shall have and may exercise all such powers as may be necessary for the purposes of this Act and the regulations with respect to the matters in which it is thereby, or by order of the Lieutenant-Governor in Council, given jurisdiction. 1936, c. 9, s. 9.

**9.**—(1) Any person who violates any of the provisions of <sup>Penalty.</sup> this Act or any regulation passed thereunder shall be guilty of an offence and shall incur a penalty of not less than \$20 and not exceeding \$200. 1936, c. 9, s. 10 (1).

(2) Any prosecution under this Act shall be instituted only <sup>Prosecu-</sup> with the consent of an officer of the Ontario Provincial Police <sup>tions.</sup> Force, or of an officer of the Department designated by the Minister to assist in the enforcement of this Act. 1937, c. 12, s. 2.

(3) The penalties provided by subsection 1 shall be recover- <sup>Rev. Stat.</sup> able under *The Summary Convictions Act*. 1936, c. 9, s. 10 (3). <sup>c. 136.</sup>

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## CHAPTER 291.

## The Snow Roads and Fences Act.

## PART I.

## SNOW ROADS.

Interpreta-  
tion—  
"vehicle."

**1.** In this Act "vehicle" shall mean a vehicle drawn by one or more horses or other animals or propelled by any motive power. R.S.O. 1927, c. 254, s. 1.

Powers of  
county  
council.

**2.** The council of a county may provide, by by-law, for the making of a double track during the season of sleighing in each and every year upon such leading highways within the county, whether or not county roads, as such council deems advisable. R.S.O. 1927, c. 254, s. 2.

Nature of  
tracks.

**3.** Where a county council has passed such a by-law, the double track shall be so made that one vehicle may pass another without being obliged to turn out when meeting. R.S.O. 1927, c. 254, s. 3.

Right of  
road.

**4.** Every vehicle shall travel in the right-hand track, and any person driving or propelling his vehicle in the wrong track shall leave it when he meets a vehicle entitled to use such track. R.S.O. 1927, c. 254, s. 4.

Duties and  
powers of  
pathmasters  
or road-  
masters.

**5.—(1)** A county council may also provide, by by-law, that pathmasters appointed by township councils shall cause the highways on which double tracks are to be made to be kept open for travel within their respective municipalities, or, if there are no such pathmasters available, may appoint roadmasters to perform that duty.

Calling out  
persons  
liable to  
perform  
statute  
labour.

**(2)** Such pathmasters or roadmasters shall have power to call out persons liable to perform statute labour to assist in keeping open such highways within their respective municipalities, and may give to the persons employed in so doing certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for in the next season's statute labour.

Application  
of commuta-  
tion of  
statute  
labour.

**(3)** The county council may also provide for the application by such township councils of so much of the commutation of statute labour fund as may be necessary for the keep-



ing open of such highways within their respective municipalities. R.S.O. 1927, c. 254, s. 5.

**6.** If a township council neglects or refuses to keep such highways open for travel, as provided by section 5, the county council may do so, and may impose upon the township so in default a rate sufficient for that purpose, and such rate shall be levied and collected in the manner provided by *The Assessment Act* for the collection of county rates. R.S.O. 1927, c. 254, s. 6. County acting on default by township. Rev. Stat. c. 272.

**7.** Any person liable to perform statute labour who refuses or neglects to turn out and work under any pathmaster or roadmaster who warns him out for that purpose, under the authority of this Act, shall incur a penalty of not less than \$1 or more than \$20. R.S.O. 1927, c. 254, s. 7. Penalty for persons refusing to work.

**8.** Any person travelling with his vehicle in the wrong track and refusing or neglecting to leave the same when met by a person who is rightfully travelling therein with his vehicle shall incur a penalty of not less than \$1 or more than \$20. R.S.O. 1927, c. 254, s. 8. Penalty for refusing to turn out of wrong track.

**9.** All the rights and powers by this Act conferred upon councils of counties may be exercised by the councils of townships in districts without county organization. R.S.O. 1927, c. 254, s. 9. How Act enforceable in townships in districts.

## PART II.

### SNOW FENCES.

**10.—(1)** The council of every county, township, city, town and village may pass by-laws requiring the owners or occupants of land bordering upon a public highway to take down, alter or remove any fence which causes an accumulation of snow or drift so as to impede or obstruct travel. Powers of councils to require removal of fences.

**(2)** The council shall make such compensation to the owners or occupants for the taking down, alteration or removal of such fence and for the construction in lieu thereof of some other description of fence, approved of by the council, as may be mutually agreed upon, and in default of agreement the compensation shall be determined by arbitration, and three fence-viewers appointed by the council shall be the arbitrators. R.S.O. 1927, c. 254, s. 10. Making compensation therefor.

**11.—(1)** If the owner or occupant refuses or neglects to take down, alter or remove the fence as required by the council, the council, after the expiration of two months from the Power in case of neglect or refusal by owner or occupant.

time the compensation has been agreed upon or determined by arbitration, may take down, alter or remove such fence, and may construct the fence which has been approved of by the council, and the amount of all costs and charges thereby incurred by the council, over and above the amount of compensation, may be recovered from such owner or occupant by action in any division court having jurisdiction in the locality, and the amount of the judgment, if not sooner paid, shall be placed by the clerk of the municipality upon the collector's roll against the land upon or along the boundaries of which the fence is situate, and shall be collected as other taxes.

Right of  
occupant to  
deduct  
amount paid  
from rent.

(2) Where an occupant, other than the owner, is required to pay such sum, or any part thereof, he may deduct it, and any costs paid by him, from the rent payable by him, or may otherwise recover the same unless he has agreed with the landlord to pay it.

Duties of  
arbitrators.

(3) The arbitrators shall examine the premises and shall, if required, hear evidence.

Fees.

(4) The arbitrators shall be entitled to \$2 a day, which shall be paid by the corporation of the municipality if the amount of the award exceeds the amount offered by the corporation, otherwise by the owner or occupant.

Appeal.

(5) The award shall be filed in the office of the clerk of the municipality, and an appeal shall lie therefrom to the judge of the county or district court of the county or district.

Rev. Stat.  
c. 349.  
to apply.

(6) The provisions of *The Line Fences Act* shall *mutatis mutandis* apply to such appeal. R.S.O. 1927, c. 254, s. 11.

Power to  
enter on  
lands.

**12.**—(1) Every such council may, on or after the 15th day of November and before the 31st day of March following, enter into and upon any lands of His Majesty, or of any corporation or person, situate within the municipality and lying along any public highway in or adjoining any such municipality, and may erect and maintain snow fences thereon, subject to the payment of such damages, if any, as may be suffered by the owner or occupant of the land so entered upon, the amount thereof to be ascertained, if not mutually agreed upon, by arbitration as provided in section 10.

Removal.

(2) The snow fences so erected shall be removed on or before the 1st day of April following. R.S.O. 1927, c. 254, s. 12.

Recovery of  
penalties.  
Rev. Stat.  
c. 136.

**13.** The penalties mentioned in sections 7 and 8 shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 254, s. 13.

## CHAPTER 292.

## The Tree Planting Act.

**1.** An owner of land may with the consent of the owner of <sup>Trees on</sup> adjoining land, plant trees on the boundary between such <sup>boundary</sup> lines. lands, and every tree so planted shall be the common property of such owners. R.S.O. 1927, c. 255, s. 1.

**2.** Any person who ties or fastens any animal to or injures <sup>Penalty for</sup> or destroys any tree growing for the purposes of shade or <sup>injuring</sup> ornament upon a boundary line between lands, or who suffers <sup>trees.</sup> or permits any animal in his charge to injure or destroy or who trims, cuts down or removes any such tree without the consent of the owners thereof, shall on summary conviction incur a penalty not exceeding \$25. R.S.O. 1927, c. 255, s. 2.

(NOTE.—*For other provisions relating to trees upon high-* <sup>Rev. Stat.,</sup>  
*ways see The Highway Improvement Act, The Municipal Act* <sup>cc. 56, 266,</sup>  
*and The Line Fences Act.*) <sup>349.</sup>

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4. *LICENSING OF SHOWS, CIRCUSES, ETC.*

## CHAPTER 293.

## The Travelling Shows Act.

Circuses,  
etc., not to  
be exhibited  
without a  
license.

**1.** No menagerie, circus, wild west show, travelling carnival show, trained animal show or show of any kind whatsoever shall be exhibited at any place in Ontario unless the owner, proprietor, manager, agent or person in charge of such show first obtains a license for that purpose from the Treasurer of Ontario. R.S.O. 1927, c. 256, s. 1.

License fee.

**2.**—(1) Every applicant for a license shall make and file in the office of the Treasurer of Ontario a statutory declaration setting forth the number of days upon which the show is to be exhibited in Ontario and the localities in which the performances or exhibitions are to be held, and for such license shall pay in advance to the Treasurer such sum as may be fixed by the Lieutenant-Governor in Council. R.S.O. 1927, c. 256, s. 2 (1); 1930, c. 50, s. 2.

Refund of  
license fee  
where per-  
formance  
not given.

(2) Where the Treasurer is satisfied that owing to unforeseen circumstances a performance or exhibition has not been held on any day for which the license fee has been paid, he may direct the repayment to the licensee out of the Consolidated Revenue Fund of a proportionate part of the license fee so paid in advance. R.S.O. 1927, c. 256, s. 2 (2).

License fee  
for certain  
shows to be  
fixed by  
Treasurer.

**3.** If any such show is exhibited as part of an industrial exhibition or agricultural fair the applicant shall pay such license fee as the Treasurer of Ontario may impose, but not in excess of the fees fixed by section 2 for the particular class of show, and the Treasurer may have regard to any special circumstances of the case and may if he deems it advisable impose a nominal fee. R.S.O. 1927, c. 256, s. 3.

Power to  
issue and  
revoke  
license.

**4.**—(1) Upon receiving the statutory declaration hereinbefore mentioned and upon payment of the license fee the Treasurer of Ontario may, in his discretion, issue a license and may at any time revoke the same upon being satisfied that the show is made the occasion for violation of the law or that gambling or any game of chance has been carried on in connection therewith.



(2) In case of the revocation of a license the amount received for the same shall be refunded to the licensee, less the sum paid per day for every day during which exhibitions have been given under such license prior to the revocation thereof. R.S.O. 1927, c. 256, s. 4.

Refund on  
revocation.

5. Any person in charge of a show, or the owner, proprietor, manager or person having control thereof, who exhibits the same or any part thereof without obtaining a license shall incur a penalty of not less than \$200 and not more than \$300 for every day upon which such show or any part thereof has been exhibited at any place in Ontario. R.S.O. 1927, c. 256, s. 5.

Penalty for  
unlicensed  
exhibitions.

6. No municipal corporation shall issue a license to any show to which section 1 applies until the applicant produces a license from the Treasurer of Ontario authorizing the exhibition in the municipality, and any member or officer of a municipal corporation who is a party to the issue of a license in violation of the provisions of this section shall incur a penalty of \$20. R.S.O. 1927, c. 256, s. 6.

License,  
when  
municipal  
corporation  
to issue.

7. The members of the Ontario Provincial Police Force and the members of the Dominion Police Force shall have access free of all charge to all shows mentioned in section 1, and to every horse race, agricultural, horticultural or industrial exhibition, ball game, theatre or public gathering, and to the grounds, tents and buildings in which such shows, races, exhibitions and gatherings are held, during the hours in which the public are admitted thereto, and any person hindering, preventing or refusing such free access after any such officer has demanded admission and displayed his badge of office shall incur a penalty of not less than \$50 and not more than \$100, or in the discretion of the convicting magistrate may be imprisoned for any term not exceeding three months. R.S.O. 1927, c. 256, s. 7.

Provincial  
and  
Dominion  
police to  
have free  
access to  
shows.

Penalty.

8. The penalties imposed by this Act shall be recovered under *The Summary Convictions Act*, but any prosecution for an offence under this Act may be commenced at any time within twelve months after the committing of the offence. R.S.O. 1927, c. 256, s. 8.

Prosecu-  
tions.  
Rev. Stat.,  
c. 136.

9. All penalties recovered under this Act, and all fees paid for licenses under the provisions of this Act, shall be paid over to the Treasurer of Ontario for the use of the Province. R.S.O. 1927, c. 256, s. 9.

Fees and  
penalties to  
be paid to  
Treasurer.

License fees to be in addition to fees of municipalities.

**10.** The license fees payable under this Act shall be in addition to any fees imposed by municipalities. R.S.O. 1927, c. 256, s. 10.

Certain agreements declared invalid.

**11.** Any contract or agreement whereby any person undertakes to procure a license under this Act for the owner, proprietor, manager, agent or person in charge of a menagerie, circus, wild west show, carnival company, trained animal show or show of any kind whatsoever, to which this Act applies, or to provide for payment of or to pay for such license or to indemnify such owner, proprietor, manager, agent or person in charge of such show, against payment for the same as a condition of the exhibiting of any such show or of any performance thereof or which relieves or purports to relieve such owner, proprietor, manager, agent or person in charge from any liability or responsibility with respect to such license shall be unlawful and shall be null and void. R.S.O. 1927, c. 256, s. 11.

Defence to action brought when unlawful contract made.

**12.** It shall be a good defence to any action brought by the owner, proprietor, manager, or other person in charge of the show in respect to any exhibition or performance or intended or proposed exhibition or performance or in respect to any matter arising out of the same that such owner, proprietor, agent or other person has with respect to such exhibition or performance or intended or proposed exhibition or performance entered into a contract declared by section 11 to be unlawful. R.S.O. 1927, c. 256, s. 12.

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## 5. SALE OF INTOXICATING LIQUORS.

## CHAPTER 294.

## The Liquor Control Act.

## PRELIMINARY.

## 1. In this Act,—

Interpreta-  
tion.

- (a) "Authority" shall mean an authority issued by the Board under Part IV for the sale of beer and wine or beer or wine, and "authorized premises" shall mean a standard hotel or other premises for which an authority is issued; 1934, c. 26, s. 3 (1). "Auth-  
ority."  
"Author-  
ized  
premises."
- (b) "Beer" shall mean any liquor obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops or of any similar products in drinkable water and containing more than two and one-half per centum by volume at sixty degrees Fahrenheit of absolute alcohol, and "light beer" shall mean any beverage containing one per centum but not more than two and one-half per centum by volume at sixty degrees Fahrenheit of absolute alcohol; R.S.O. 1927, c. 257, s. 1, cl. (a). "Beer."  
"Light  
beer."
- (c) "Board" shall mean Liquor Control Board of Ontario; "Board."
- (d) "Dentist" shall mean a member of the Royal College of Dental Surgeons of Ontario registered under *The Dentistry Act* holding a valid and unrevoked certificate of license to practise dentistry under the said Act; "Dentist."  
Rev. Stat,  
c. 227.
- (e) "Druggist" shall mean a pharmaceutical chemist registered and entitled to practise under *The Pharmacy Act*; "Druggist."  
Rev. Stat.,  
c. 228.
- (f) "Government store" shall mean store established by the Board under this Act for the sale of liquor; "Govern-  
ment store."

"Interdicted person."

- (g) "Interdicted person" shall mean a person to whom the sale of liquor is prohibited by order under this Act;

"Justice."

- (h) "Justice" shall mean magistrate and where no magistrate is available shall include two or more justices of the peace or any person having the power or authority of two or more justices; R.S.O. 1927, c. 257, s. 1, cl. (c-h).

"Last revised list of the municipality."

- (i) "Last revised list of the municipality" shall mean the voters' list for the municipality as revised for the last election to the Assembly; 1936, c. 34, s. 2 (1).

"License."

- (j) "License" shall mean a license issued by the Board to a brewer, distiller or manufacturer of native wine under this Act or the regulations; 1934, c. 26, s. 3 (2).

"Liquor."

- (k) "Liquor" shall mean and include any alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption which are intoxicating, and any liquor which contains more than two and one-half per centum by volume at sixty degrees Fahrenheit of absolute alcohol shall conclusively be deemed to be intoxicating; the term "liquor" shall include wine and beer but shall not include light beer; R.S.O. 1927, c. 257, s. 1, cl. (i); 1934, c. 26, s. 3 (3).

"Minister."

- (l) "Minister" shall mean the member of the Executive Council to whom for the time being is assigned the supervision of the administration of this Act; R.S.O. 1927, c. 257, s. 1, cl. (j).

"Native wine."

- (m) "Native wine" shall mean wine manufactured from grapes, cherries or apples grown in Ontario and shall include native wine to which has been added water, honey or sugar and shall also include native wine fortified with the distillate of grapes grown in Ontario; 1932, c. 33, s. 2 (1); 1936, c. 34, s. 2 (2).

"Package."

- (n) "Package" shall mean any container, bottle, vessel or other receptacle used for holding liquor;

"Permit."

- (o) "Permit," except in section 85 of this Act, shall mean permit for the purchase of liquor or beer issued by



the Board and in section 85 shall mean permit for the sale of light beer;

- (*p*) "Physician" shall mean legally qualified medical practitioner registered under *The Medical Act*; "Physician," Rev. Stat., c. 225.
- (*q*) "Prescription" shall mean memorandum in the form prescribed by the regulations, signed by a physician, and given by him to a patient for the purpose of obtaining liquor pursuant to this Act for use for medicinal purposes only; "Prescription."
- (*r*) "Public place" shall mean and include any place, building or convenience to which the public has, or is permitted to have, access, and any highway, street, lane, park or place of public resort or amusement; "Public place."
- (*s*) "Regulations" shall mean regulations made by the Board and approved by the Lieutenant-Governor in Council under this Act; "Regulations."
- (*t*) "Residence" shall mean and include any building or part of a building or tent where a person resides but shall not include any part of a building which part is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof, nor any place from which there is access to a club or hotel except through a street or lane or other open and unobstructed means of access; "Residence."
- (*u*) "Sale" and "sell" shall include exchange, barter and traffic and shall also include the selling or supplying or distribution, by any means whatsoever, of liquor or of any liquid known or described as beer or light beer by any partnership, or by any society, association or club, whether incorporated or unincorporated, and whether heretofore or hereafter formed or incorporated, to any partnership, society, association or club or to any member thereof; "Sale" and "sell."
- (*v*) "Veterinary" shall mean a person authorized to practise veterinary science in Ontario under *The Veterinary Science Practice Act*; R.S.O. 1927, c. 257, s. 1, cls. (*l-t*). "Veterinary," Rev. Stat., c. 239.
- (*w*) "Wine" shall mean and include any liquor obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples, or other agricultural products containing sugar, and including honey or milk. 1932, c. 33, s. 2 (2). "Wine."

Division  
of Act.

**2.** It is hereby expressly declared that the division of this Act into parts is for convenience only. R.S.O. 1927, c. 257, s. 2.

Inclusion of  
reference to  
regula-  
tions.

**3.**—(1) Subject as in subsection 2 provided, wherever in any section of this Act the words “this Act” occur and are not immediately preceded or followed by the words “or the regulations” or the words “and the regulations” or words of like import, the words “this Act” shall be deemed to include and refer also to the regulations.

Exclusion  
of reference  
to regula-  
tions.

(2) The provisions of subsection 1 shall not apply or extend to the words “this Act” where they occur in sections 47 and 48, the last line of subsection 2 of section 57, section 58, the last line of section 59, 60 or 61, the last line of subsection 2 of section 64, subsection 1 of section 65, subsection 1 of section 66, subsections 2 and 4 of section 66, the ninth line of subsection 2 of section 95, section 102, subsection 1 of section 107, subsection 2 of section 111, sections 115 and 120, the fourth and eleventh lines of section 129, section 132, subsection 2 of section 134, the first line of section 137, sections 139, 141 and 142, subsection 3 of section 151, section 155, section 156 other than subsection 15 thereof, and sections 157 and 158. 1934, c. 26, s. 4.

## PART I.

### ADMINISTRATION OF THIS ACT, CREATION OF BOARD AND ITS POWERS AND FUNCTIONS.

Establish-  
ment of  
Board.

**4.** There shall be a Board known as “The Liquor Control Board of Ontario” consisting of one, two or three members as may be determined from time to time by the Lieutenant-Governor in Council, with the powers and duties herein specified, and the administration of this Act, including the general control, management and supervision of all Government liquor stores shall be vested in the Board. R.S.O. 1927, c. 257, s. 3.

Chief  
Commis-  
sioner.

**5.** The Lieutenant-Governor in Council may designate one of the members of the Board to be chairman thereof who shall be known as the “Chief Commissioner” and he may designate any member or an officer of the Board to be Deputy Chief Commissioner and in case of a vacancy in the office, or of sickness or inability to act of the Chief Commissioner, the Deputy Chief Commissioner shall have and may exercise and perform all the powers, duties and functions of the Chief Commissioner. R.S.O. 1927, c. 257, s. 4.

**6.** The Lieutenant-Governor in Council shall,—

Appoint-  
ment,  
quorum and  
salaries of  
the Board.

- (a) appoint the member or members of the Board;
- (b) specify what member or members shall constitute a quorum of the Board;
- (c) fix the salaries of the members of the Board. R.S.O. 1927, c. 257, s. 5.

**7.** The principal office of the Board shall be at the seat of Government at Toronto. R.S.O. 1927, c. 257, s. 6.

Principal  
office.

**8.** The Chief Commissioner shall have charge of the officers, inspectors, clerks and servants of the Board who shall be responsible to him in the first instance. R.S.O. 1927, c. 257, s. 7.

Chief Com-  
missioner's  
duties and  
powers.

**9.** No regulation of the Board shall be valid or binding unless it is assented to by the Chief Commissioner or in his absence by such member or official of the Board as the Lieutenant-Governor in Council may designate. R.S.O. 1927, c. 257, s. 8.

Authentica-  
tion of  
regula-  
tions.

**10.** It shall be the duty of the Board and it shall have power,—

Power and  
duties of  
Board.

- (a) to buy, import and have in its possession for sale, and to sell liquor in the manner set forth in this Act and the regulations; R.S.O. 1927, c. 257, s. 9, cl. (a); 1928, c. 44, s. 2. Import  
and sale.
- (b) to control the possession, sale, consumption, trans- portation and delivery of liquor in accordance with the provisions of this Act and the regulations; R.S.O. 1927, c. 257, s. 9, cl. (b); 1928, c. 44, s. 3; 1934, c. 26, s. 5 (1). Control.
- (c) to determine the municipalities within which Gov- ernment liquor stores shall be established through- out the Province, and the situation of the stores in any municipality; R.S.O. 1927, c. 257, s. 9 cl. (c). Location  
of stores.
- (d) to make provision for the maintenance of ware- houses for beer, wine or liquor and to control the keeping in and delivery of or from any such ware- houses; R.S.O. 1927, c. 257, s. 9, cl. (d); 1934, c. 26, s. 5 (2). Provision  
for ware-  
houses.
- (e) to grant, refuse, suspend or cancel permits for the purchase of liquor; R.S.O. 1927, c. 257, s. 9 cl. (e); 1934, c. 26, s. 5 (3). Grant, etc.,  
permits.

Leasing premises.	(f) to lease any land or building required for the purposes of this Act;
Acquisition of plant, etc.	(g) to purchase or lease or acquire the use by any manner whatsoever of any plant or equipment which may be considered necessary or useful in carrying into effect the object and purposes of this Act;
Expert advice.	(h) to engage the services of experts and persons engaged in the practice of any profession where it is deemed expedient;
Appointment of officials to issue permits.	(i) to appoint officials to issue and grant permits under this Act;
Packages.	(j) to determine the nature, form and capacity of all packages to be used for containing liquor to be kept or sold under this Act;
Vendors of sacramental wines.	(k) to appoint one or more vendors of sacramental wines in any municipality and to regulate or restrict the keeping for sale, sale and delivery of such wine;
General.	(l) without in any way limiting or being limited by the foregoing clauses generally to do all such things as may be deemed necessary or advisable by the Board for the purpose of carrying into effect the provisions of this Act or the regulations. R.S.O. 1927, c. 257, s. 9, cls. (f-l).

Regulations.

**11.**—(1) The Board with the approval of the Lieutenant-Governor in Council may make such regulations not inconsistent with this Act as the Board may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof, and such regulations shall be published in the *Ontario Gazette*, and upon being so published shall have the same force and effect as if enacted in this Act and any such regulations may be repealed, altered or amended from time to time by the Board subject to like approval and the publication of such alteration, repeal or amendment in the manner aforesaid. R.S.O. 1927, c. 257, s. 10 (1).

Power of Board to make regulations.

(2) Without limiting the generality of the provisions contained in subsection 1 it is declared that the powers of the Board to make regulations in the manner set out in the said subsection shall extend to and include the following,—

Regulating equipment.

(a) regulating the equipment and management of Government stores and warehouses in which liquor may be kept or sold;



- (b) prescribing the duties of the officers, inspectors, clerks and servants of the Board and regulating their conduct while in the discharge of their duties; Duties of employees.
- (c) governing the purchase of liquor and the furnishing of liquor to Government stores established under this Act; Purchase of liquor.
- (d) determining the classes, varieties and brands of liquor to be kept for sale at Government stores; Varieties of liquor.
- (e) prescribing, subject to this Act, the days and hours at which Government liquor stores or any of them shall be kept open for that purpose; Hours for sale.
- (f) providing for the issue and distribution of price lists showing the price to be paid for each class, variety or brand of liquor kept for sale under this Act; Price list.
- (g) prescribing the books of account to be kept by the Board showing the expenditure of the Board in the administration of the Act and in the purchase, sale and delivery of liquor thereunder and the receipts of the Board from the sale of liquor in any Government store or from the issue of permits for the purchase of liquor; Books of account and records of sales.
- (h) prescribing an official seal and official labels and determining the manner in which such seal or label shall be attached to every package of liquor sold or sealed under this Act, including the prescribing of different official seals or different official labels for the different classes, varieties and brands of liquor; Official seal.
- (i) prescribing forms to be used for the purposes of this Act or of the regulations made thereunder, and the terms and conditions in permits and licenses issued and granted under this Act; Forms, conditions of licenses, etc.
- (j) prescribing the nature of the proof to be furnished and the conditions to be observed in the issuing of duplicate permits in lieu of those lost or destroyed; Duplicate permits.  
R.S.O. 1927, c. 257, s. 10 (2), cls. (a-j).
- (k) prescribing the kinds and quantities of liquor which may be sold or purchased under permits or authorities of any class including the quantity which may be sold or purchased at any one time or within any specified period of time and the alcoholic content of any such liquor; 1934, c. 26, s. 6 (1). Quantities of liquors, etc.

- Records of purchases by holders of permits. (l) prescribing the forms of records of purchases of liquor by the holders of permits, and the reports to be made thereon to the Board, and providing for inspection of the records to be kept;
- Notices. (m) prescribing the manner of giving and serving notices required by this Act or the regulations made thereunder; R.S.O. 1927, c. 257, s. 10 (2), cls. (l, m).
- Duties of officials authorized to issue permits. (n) prescribing the duties of officials authorized to issue permits and authorities under this Act; R.S.O. 1927, c. 257, s. 10 (2), cl. (n); 1934, c. 26, s. 6 (2).
- Fees. (o) prescribing the fees payable in respect of permits, licenses and authorities issued under this Act, and prescribing the tax, fees and assessments payable by any brewer, distiller or manufacturer of native wine; 1935, c. 35, s. 2.
- Books, etc. (p) prescribing, subject to the provisions of this Act, the books, records and returns to be kept by the holder of any license for the sale of liquor under this Act;
- Distribution and storage. (q) supervising the distribution of supplies and the manner in which liquor may be kept and stored;
- Delivery and conveyance of liquor. (r) supervising the hours and days upon which, and the manner, methods and means by which vendors and brewers shall deliver liquor under this Act and the hours and days during which, and the manner, methods and means by which liquor, under this Act, may be lawfully conveyed and carried; R.S.O. 1927, c. 257, s. 10 (2), cls. (p-r).
- Sale of beer and wine, etc. (s) governing the purchase, keeping, offering for sale, sale and serving of beer and wine which may be sold by any person to whom an authority is issued under this Act; 1934, c. 26, s. 6 (3).
- Conduct of premises. (t) governing the conduct, management and equipment of any premises upon which liquor may be sold or consumed under this Act;
- In general. (u) generally for the better carrying out of the provisions of this Act, R.S.O. 1927, c. 257, s. 10 (2), cls. (s, t).

## General.

**12.** Wherever it is provided in this Act that any act, matter or thing may be done or permitted or authorized by the regulations, or may be done in accordance with the regulations, or as provided by the regulations, the Board, subject to the restrictions set out in subsection 1 of section 11 shall have

the power to make regulations respecting such act, matter or thing. R.S.O. 1927, c. 257, s. 11.

**13.** The Board may with the approval of the Lieutenant-Governor in Council,— Powers of Board.

- (a) purchase any land or building and equip any building required for the purposes of this Act and where deemed necessary purchase or acquire the whole or any portion of the output or product of any manufacturer, distiller, brewery, plant or appliance in which liquor is manufactured or produced; Purchase of property and output.
- (b) appoint such officers, inspectors, vendors, servants and agents as the Board may deem necessary in the administration of this Act and by regulation prescribe the terms of their employment, fix their salaries or remuneration and define their respective duties and powers. R.S.O. 1927, c. 257, s. 12. Appointment of officers and staff.

OWNERSHIP OF PROPERTY ACQUIRED BY THE BOARD, FINANCING  
AND ACCOUNTING BY THE BOARD AND  
APPLICATION OF PROFITS.

**14.** All property, whether real or personal, all moneys acquired, administered, possessed or received by the Board and all profits earned in the administration of this Act, shall be the property of the Crown in right of the Province of Ontario, and all expenses, debts and liabilities incurred by the Board in connection with the administration of this Act shall be paid by the Board from the moneys received by the Board under such administration. R.S.O. 1927, c. 257, s. 13. Payment of expenses.

**15.—(1)** The Board shall from time to time make reports to the Lieutenant-Governor in Council covering such matters in connection with the administration of this Act as he may require, and shall annually make to the Lieutenant-Governor in Council, through the Minister, a report for the twelve months ending on the 31st day of October in the year in which the report is made, which shall contain,— Reports to Lieutenant-Governor in Council by Board.

- (a) a statement of the nature and amount of the business transacted by the vendors under this Act during the year;
- (b) a statement of its assets and liabilities including a profit and loss account, and such other accounts and matters as may be necessary to show the results of operations of the Board for the year;

(c) general information and remarks as to the working of the law within the Province;

(d) any other information requested by the Minister. R.S.O. 1927, c. 257, s. 14 (1); 1928, c. 44, s. 4.

Report to be  
presented to  
Legisla-  
ture.

(2) Every annual report made under this section shall be forthwith laid before the Legislature if the Legislature is then in session, and if not then in session shall be laid before the Legislature within fifteen days after the opening of the session following the close of the fiscal year.

Audit of  
books of  
Board.

(3) The books and records of the Board shall at all times be subject to examination and audit by the Provincial Auditor and to such other person as the Lieutenant-Governor in Council may authorize in that behalf. R.S.O. 1927, c. 257, s. 14 (2, 3).

Treasurer  
of Ontario  
to provide  
necessary  
funds.

**16.** The Treasurer of Ontario may set aside out of the Consolidated Revenue Fund such sums as he shall deem necessary and requisite for the purchase of liquor by the Board, and for other necessary purposes in the administration of this Act. R.S.O. 1927, c. 257, s. 15 (2).

Payment of  
salaries, ex-  
penses of  
stores.

**17.** The Board shall make all payments necessary for its administration of this Act, including the payment of the salaries of the members of the Board and its staff and all expenditures incurred in establishing and maintaining Government stores and in its administration of this Act. R.S.O. 1927, c. 257, s. 16.

Payment of  
sale and  
license  
moneys to  
Board.

**18.—(1)** All moneys received from the sale of liquor at Government stores or from license fees, or otherwise arising in the administration of this Act other than from permit fees, shall be paid to the Board.

Permit fees  
to go into  
Treasury.

(2) All moneys received in fees for permits for the purchase of liquor shall be paid to the Treasurer of Ontario to be accounted for as part of the general revenue of the Province and shall not be included in any statement of profit and loss of the Board. R.S.O. 1927, c. 257, s. 17.

Accounts  
payable by  
Board.

**19.** All accounts payable by the Board shall be audited by such person as may be designated by the Board and may be audited by the Provincial Auditor, and all cheques for payment of accounts shall be signed by the Chief Commissioner or by such other officer as may be designated by the Board for that purpose. R.S.O. 1927, c. 257, s. 18; 1928, c. 44, s. 5.



**20.** The accounts of the Board shall be made up to the <sup>Fiscal year.</sup> 31st day of October in each year, and at such other times as may be determined by the Lieutenant-Governor in Council, and in every case the Board shall prepare a balance sheet and statement of profit and loss and submit the same to the Provincial Auditor for his certification. R.S.O. 1927, c. 257, s. 19. <sup>Balance sheet, etc.</sup>

**21.** The accounts of the Board shall be audited annually <sup>Annual audit.</sup> by the Provincial Auditor or by such other person, firm or corporation as the Lieutenant-Governor in Council may appoint, and the report of such auditor containing such particulars as the Lieutenant-Governor in Council may require shall be made to the Lieutenant-Governor in Council on or before the 1st day of January next following the close of the fiscal year for which the report is made. R.S.O. 1927, c. 257, s. 20.

**22.** From the profits received under this Act as certified <sup>Reserve fund, etc.</sup> by the auditor there shall be taken such sums as may be determined by the Lieutenant-Governor in Council for the creation of a reserve fund to meet any loss that may be incurred by the Government in connection with the administration of this Act. R.S.O. 1927, c. 257, s. 21.

**23.** The receipts of the Board from all sources shall be <sup>Audit of receipts.</sup> checked and audited at least once in every calendar month by the Provincial Auditor or such other person as may be designated by the Lieutenant-Governor in Council. 1935, c. 35, s. 3.

**24.** The net profits of the Board shall be paid into the <sup>Net profits to be paid into Consolidated Revenue Fund.</sup> Consolidated Revenue Fund at such times and in such manner as the Lieutenant-Governor in Council may direct. R.S.O. 1927, c. 257, s. 23.

**25.** Every vendor and every official authorized by the <sup>Administration of oaths.</sup> Board to issue permits or authorities under this Act may administer any oath and take and receive any evidence or declaration required under this Act or the regulations. R.S.O. 1927, c. 257, s. 24; 1934, c. 26, s. 7.

**26.—(1)** Except with the consent of the Minister no <sup>Actions against members of Board, etc.</sup> action or proceeding shall be taken against any member or members or against any official or vendor of the Board for

anything done or omitted to be done in or arising out of the performance of his or their duties under this Act.

Order of  
Board not  
subject to  
review.

(2) Every action, order or decision of the Board as to any matter or thing in respect of which any power, authority or discretion is conferred on the Board under this Act shall be final and shall not be questioned, reviewed or restrained by injunction, prohibition or mandamus or other process or proceeding in any court or be removed by *certiorari* or otherwise in any court. R.S.O. 1927, c. 257, s. 25.

Board may  
be sued and  
sue in name  
of office.

**27.** The Board may, with the consent of the Attorney-General, be sued and may institute or defend proceedings in any court of law or otherwise in the name of "The Liquor Control Board of Ontario" as fully and effectually to all intents and purposes as though such Board were incorporated under such name or title and no such proceedings shall be taken against or in the names of the members of the Board, and no such proceedings shall abate by reason of any change in the membership of the Board by death, resignation or otherwise, but such proceedings may be continued as though such changes had not been made. R.S.O. 1927, c. 257, s. 26.

Orders for  
purchase of  
liquor.

**28.—**(1) Every order for the purchase of liquor shall be authorized by the Chief Commissioner or Deputy Chief Commissioner and no order shall be valid or binding unless so authorized.

Filing  
duplicate.

(2) A duplicate of every such order shall be kept on file in the office of the Board.

Cancelling  
orders.

(3) All cancellations of such orders made by the Board shall be executed in the same manner and a duplicate thereof kept as aforesaid. R.S.O. 1927, c. 257, s. 27.

Security for  
observance  
of Act.

**29.** Subject to the regulations the Board may require the holder of any license for the sale of liquor to give such security and to comply with such other provisions as the Board may deem necessary or desirable in order to secure the due observance of the provisions of this Act. R.S.O. 1927, c. 257, s. 28.

Board not  
compellable  
to issue per-  
mits, etc.

**30.** Notwithstanding anything in this Act contained the Board shall not be compellable to issue any permit, license or authority under this Act and may refuse, suspend or cancel any such permit, license or authority in its discretion and shall not be obliged to give any reason or explanation for such refusal, suspension or cancellation. 1934, c. 26, s. 8.

## PART II.

ESTABLISHMENT OF GOVERNMENT STORES AND SALES  
UNDER PERMITS.

**31.** Stores to be known as Government stores may be established by the Board at such places in the Province as are considered advisable for the sale of liquor in accordance with the provisions of this Act and the regulations made thereunder, and the Board may from time to time fix the prices at which the various classes, varieties and brands of liquor shall be sold and such prices shall be the same at all such Government stores. R.S.O. 1927, c. 257, s. 30.

**32.** The sale of liquor at each Government store shall be conducted by a person appointed under this Act to be known as a "vendor" who shall, under the directions of the Board, be responsible for the carrying out of this Act and the regulations made thereunder, so far as they relate to the conduct of such store and the sale of liquor thereat. R.S.O. 1927, c. 257, s. 31.

**33.—(1)** A vendor may sell to any person who is the holder of a subsisting permit, such liquor as that person is entitled to purchase under such permit in conformity with the provisions of this Act and the regulations made thereunder.

**(2)** Except as provided by the regulations no liquor sold under this section shall be delivered until,—

- (a) the purchaser has given a written order to the vendor, dated and signed by such purchaser and stating the number of his permit, and the kind and quantity of the liquor ordered; and
- (b) the purchaser has produced his permit for inspection and endorsement by the vendor; and
- (c) the purchaser has paid for the liquor in cash; and
- (d) the vendor has endorsed or caused to be endorsed on the permit the kind and quantity of the liquor sold and the date of the sale. R.S.O. 1927, c. 257, s. 32.

**34.** Except as provided by this Act and the regulations, no liquor shall be sold to any purchaser except in a package sealed with the official seal as prescribed by this Act and such package shall not be opened on the premises of a Government store. R.S.O. 1927, c. 257, s. 33; 1930, c. 51, s. 2.

Consumption in Government store.

**35.** No officer, clerk or servant of the Board employed in a Government store shall allow any liquor to be consumed on the premises of a Government store nor shall any person consume any liquor on such premises. R.S.O. 1927, c. 257, s. 34.

Days and hours for sale.

**36.** No sale or delivery of liquor shall be made on or from the premises of any Government store nor shall any store be kept open for the sale of liquor,—

- (a) on any holiday;
- (b) on any day on which polling takes place at any Dominion or provincial election held in the electoral district in which the store is situated;
- (c) on any day on which polling takes place at any municipal election held in the municipality in which the store is situated or upon any question submitted to the electors of the municipality under any Act of Ontario;
- (d) during such other periods and on such other days as the Board may direct. R.S.O. 1927, c. 257, s. 35.

Delivery of liquor to and from Government store.

**37.** It shall be lawful to carry or convey liquor to any Government store and to and from any warehouse or depot established by the Board for the purpose of this Act, and when permitted so to do by this Act and the regulations made thereunder and in accordance herewith, it shall be lawful for any common carrier, or other person, to carry or convey liquor sold by a vendor from a Government store, or beer, when lawfully sold by the Board or a vendor, from the premises wherein such beer was manufactured, or from premises where the beer may be lawfully kept and sold, to any place in Ontario to which the same may be lawfully delivered under this Act and the regulations made thereunder, provided that no such common carrier or any other person shall open, or break, or allow to be opened or broken, any package or vessel containing liquor, or drink, or use, or allow to be drunk or used, any liquor therefrom while being so carried or conveyed. R.S.O. 1927, c. 257, s. 36; 1929, c. 69, s. 2.

Classes of permits.

**38.**—(1) The Board may issue two classes of permits under this Act for the purchase of liquor,—

- (a) Individual permits;
- (b) Special permits.

Application and issue of permits.

(2) Upon application in the prescribed form being made to the Board or to any official authorized by the Board to issue



permits accompanied by payment of the prescribed fee, and upon the Board or such official being satisfied that the applicant is entitled to a permit for the purchase of liquor under this Act the Board or such official may issue to the applicant a permit of the class applied for, as follows,—

- (a) an “individual permit” in the prescribed form may be granted to an individual of the full age of twenty-one years, who has resided in the Province for the period of at least one month immediately preceding the date of his making the application, and who is not disqualified under this Act, entitling the applicant to purchase liquor in accordance with the terms and provisions of the permit, and the provisions of this Act, and the regulations made thereunder; Individual permit for resident.
- (b) an “individual permit” in the prescribed form may be granted to an individual of the full age of twenty-one years, who is temporarily resident or sojourning in the Province and who is not disqualified under this Act, entitling the applicant during a period not exceeding one month to purchase liquor in accordance with the terms and provisions of the permit, and the provisions of this Act and the regulations made thereunder; Individual permit for non-resident.
- (c) a “special permit” in the prescribed form may be granted to a druggist, physician, dentist or veterinary, or to a person engaged within the Province in mechanical or manufacturing business, or in scientific pursuits, requiring liquor for use therein, entitling the applicant to purchase liquor for the purpose named in such “special permit” and in accordance with the terms and provisions of such “special permit” and in accordance with the provisions of this Act, and the regulations made thereunder; Special permit for physicians, etc.
- (d) a “special permit” in the prescribed form may be granted to a priest, minister of the gospel, or any other minister of any religious faith authorized to solemnize marriage in Ontario, entitling the applicant to purchase wine for sacramental purposes in accordance with the terms and provisions of such “special permit”; Special permit for ministers.
- (e) a “special permit” in the prescribed form may be granted when authorized by the regulations, entitling the applicant to purchase liquor for the purpose named in the permit and in accordance with the Special permits under regulations.

terms and provisions of such permit, and of this Act and the regulations made thereunder.

Prohibition  
as to  
disorderly  
houses.

(3) No one, who has been convicted of keeping, frequenting or being an inmate of a disorderly house, shall be entitled to a permit until after the expiration of at least one year from the date of such conviction.

Discretion  
as to  
permits.

(4) Notwithstanding any other provisions of this Act, the Board may refuse or direct any official authorized to issue permits to refuse to issue a permit to any person and no official so directed shall issue any such permit. R.S.O. 1927, c. 257, s. 37.

Board may  
authorize  
purchase of  
beer and  
wine with-  
out permit.

(5) Notwithstanding the provisions of this Act providing for the purchase, having, possession and consumption of liquor upon a permit, the Board may provide that beer or wine may be purchased, had, possessed and consumed without any permit therefor being necessary for such time and upon and subject to such conditions and restrictions as the regulations may prescribe, and when and during the time the purchase, having, possession and consumption of beer or wine is authorized without any permit therefor being necessary, every provision of this Act and the regulations relating to the purchasing, having, possessing and consuming of liquor under a permit shall be construed with due regard to the fact that the purchase, having, possession and consumption of beer or wine may be made and had without such permit. 1934, c. 26, s. 9.

Expiry of  
permits.

**39.** Unless sooner cancelled, every permit shall expire at midnight on the the 31st day of October of the year in respect to which the permit is issued, except in the case of,—

(a) special permits issued under clause *e* of subsection 2 of section 38, which shall expire in accordance with the terms contained therein;

(b) a permit which, according to its terms, sooner expires. R.S.O. 1927, c. 257, s. 38.

Issue of  
permit.

**40.** Every permit shall be issued in the name of the applicant therefor and no permit shall be transferable nor shall the holder of any permit allow any other person to use the permit. R.S.O. 1927, c. 257, s. 39.

Restric-  
tions as to  
number.

**41.** No permit shall be delivered to the applicant, until he has, in the presence of some person duly authorized by the Board, or in the presence of the official to whom the application is made, written his signature thereon in the manner prescribed by the regulations for the purpose of his future identification

as the holder thereof, and the signature has been attested by a member of the Board, or other official authorized to issue the same. R.S.O. 1927, c. 257, s. 40.

**42.** No person who is the holder of an unexpired individual permit under this Act, shall make application for, or be entitled to hold any other individual permit whether of the same or another class; provided, however, that the holder of a subsisting and unexpired individual permit may, without any claim to, or for rebate, return such permit to the Board or official authorized to issue permits and then be entitled to make application for a permit under this Act, and any person whose permit has been lost or destroyed may apply to the Board or other official by whom the permit was issued, and upon proof of the loss or destruction of the permit and subject to the conditions contained in the regulations may obtain a duplicate permit in lieu of the permit so lost or destroyed for which duplicate permit a fee of fifty cents shall be paid. R.S.O. 1927, c. 257, s. 41.

Restric-  
tions as to  
issue.

**43.**—(1) Liquor purchased by any person under the provisions of this Act and the regulations, may be kept, had, given or consumed only in the residence in which he resides, except as otherwise provided by this Act and the regulations. 1930, c. 51, s. 3; 1936, c. 34, s. 3.

Place where  
liquor may  
be kept by  
holder of  
permit.

(2) If the occupant of a residence or of any part thereof, including the rooms of any lodgers, boarders or tenants therein, or any member of the family of such occupant is convicted of keeping a disorderly house or of an offence against any of the provisions of this Act committed in or in respect of such residence or rooms, or in respect of any liquor kept therein or removed therefrom, the justice making the conviction may in and by the conviction, declare such residence or the rooms of such lodgers, boarders or tenants therein or both to be a public place for the purposes of this Act and such residence or rooms or both, shall cease to be a residence within the meaning of this Act for a period of one year after the date of such conviction; provided that the Board may when satisfied of a *bona fide* change of ownership or occupation of such residence or rooms or both, or when it is desirable to do so, declare such residence or rooms or both, to be a residence within the meaning of this Act and may grant a certificate to such effect to the new owner or occupant of such residence or rooms or both and such residence or rooms or both shall from the date of the granting of such certificate, signed by the Chief Commissioner or Deputy Chief Commissioner of the Board, be a residence and cease to be a public place within the meaning of this Act. 1929, c. 69, s. 3.

Disqualifi-  
cation of  
premises on  
conviction.

Proviso.

Cancellation of permits by Board.

**44.**—(1) Notwithstanding anything in this Act contained, the Board may for any cause which it deems sufficient with or without any hearing cancel or suspend any permit granted for the purchase of liquor under this Act.

Suspension of permit by justice.

(2) The justice before whom any holder of a permit issued under this Act is convicted of a violation of any provision of this Act, or of the regulations made thereunder, may suspend the permit for a period not exceeding one month, and thereupon the justice shall forthwith notify the holder and the Board of the suspension of the permit.

Delivery up of permit on suspension.

(3) Upon receipt of notice of the suspension of his permit the holder of the permit shall forthwith deliver up the permit to the Board, and if the holder of a permit, which has been suspended, fails or neglects to deliver the same to the Board, in accordance with the regulations made hereunder, the Board may forthwith cancel the same.

Return of permit on termination of suspension.

(4) Where the permit has been suspended the Board may return the permit to the holder at the expiration or determination of the period of suspension. R.S.O. 1927, c. 257, s. 43 (1-4).

Notifying vendors of cancellation.

(5) Where the permit has been cancelled the Board shall notify all vendors and such other persons as may be provided by the regulations, of the cancellation of the permit and the issue of a new permit to the person whose permit has been cancelled shall be in the discretion of the Board. 1932, c. 33, s. 3.

Use of permit of other person or of a suspended or cancelled permit.

(6) Where a permit is produced at a Government store by a person who is not entitled under the provisions of this Act or of the regulations to hold such permit or produce the same at the store, or where any permit is suspended or cancelled, or a permit, a duplicate of which has been issued, is produced at a Government store, the vendor shall retain such permit in his custody and shall forthwith notify the Board of the fact of its retention, and the Board, unless such permit has been cancelled, may forthwith cancel the same; provided nevertheless that the proper holder of any lost subsisting permit which may be improperly produced as aforesaid may, upon satisfactory proof to the Board that he was not privy to such improper use, obtain a return of such permit. R.S.O. 1927, c. 257, s. 43 (6).

Forfeiture of liquor on cancellation of permit.

(7) Notwithstanding anything in this Act contained where any permit granted for the purchase of liquor under this Act is cancelled, all the liquor purchased under such permit and in the possession of the permit holder at the date of cancellation,



shall *ipso facto* be forfeited to His Majesty in the right of the Province. 1929, c. 69, s. 4.

**45.** No permit shall be issued under this Act to any person to whom the sale of intoxicants is prohibited under the provisions of any Act of the Dominion of Canada. R.S.O. 1927, c. 257, s. 44. Person to whom permit shall not be issued.

**46.**—(1) The Board may with the approval of the Minister and subject to the provisions of this Act, and to the regulations made thereunder grant a license to any brewer duly authorized by the Dominion of Canada authorizing such brewer or any lawfully appointed agent of such brewer,— Brewers' licenses.

(a) to keep for sale and sell beer to the Board; R.S.O. 1927, c. 257, s. 45 (1), cl. (a).

(b) to deliver beer on the order of the Board or of a vendor to any person named in such order at the address therein stated; 1934, c. 26, s. 10 (1).

(c) to keep for sale and sell beer under the supervision and control of the Board and in accordance with this Act and the regulations. 1934, c. 26, s. 10 (2).

(2) No brewer or brewer's agent shall keep for sale, sell or deliver beer except as provided in this Act and the regulations made thereunder. R.S.O. 1927, c. 257, s. 45 (1), cl. (c); 1932, c. 33, s. 4 (1). Limitation as to sale.

(3) Every brewer shall make to the Board in every month a return in the form which the Board shall provide showing the gross amount of the sales of beer made by such brewer and his agents; provided that the Board may at any time by notice in writing to a brewer or brewer's agent require such a return of sales by a brewer or any brewer's agent, as the case may be, for any period mentioned in such notice, and such return shall be made by such brewer or brewer's agent within three days of the receipt by such brewer or brewer's agent of such notice. R.S.O. 1927, c. 257, s. 45 (2); 1932, c. 33, s. 4 (1). Returns. Proviso.

**47.** Any brewer who fails to make such returns to the Board within twenty days following the expiration of any calendar month for which it should be made shall be guilty of an offence under this Act, and shall be liable to a fine of \$20 per day for each day it is delayed, counting from the expiration of such twenty days. R.S.O. 1927, c. 257, s. 46. Penalty.

**48.** Any brewer or brewer's agent who makes default in forwarding a return required by the proviso of section 46, Default in forwarding.

within the time required by a notice given pursuant to the said proviso shall be guilty of an offence under this Act and shall be liable to a fine of \$20 per day for each day during which such default continues. R.S.O. 1927, c. 257, s. 47.

Examina-  
tion of  
books.

**49.**—(1) The Board may also examine the books of any brewer or brewer's agent, making or required to make any such return, or may otherwise verify the accuracy of any such return.

Penalty for  
refusal.

(2) Any brewer or brewer's agent who refuses to allow such examination or who fails to make returns in accordance with the regulations of the Board shall be guilty of an offence and liable to a fine of \$100 for each offence. R.S.O. 1927, c. 257, s. 48.

Construc-  
tion and  
equipment  
of premises.

**50.** No premises shall be constructed and equipped so as to facilitate any breach of this Act or the regulations made thereunder. R.S.O. 1927, c. 257, s. 49; 1934, c. 26, s. 11.

Furnishing  
of samples  
to Board.

**51.** Every brewer shall from time to time as he may be required by the Board, furnish samples of his beer to be sold within the Province and the Board shall be entitled and is hereby authorized to require of any brewer samples of any beer then being sold within the Province, or in stock by the brewer, or which may be in the course of manufacture for sale within the Province and the said brewer shall forthwith furnish the same to the Board, and every brewer failing to do so as herein required by the Board shall be guilty of an offence and liable to a penalty not exceeding \$100. R.S.O. 1927, c. 257, s. 50.

License to  
distiller to  
sell to  
Board.

**52.**—(1) The Board may, with the approval of the Minister, and subject to the provisions of this Act and to the regulations made thereunder, grant a license to a distiller authorizing such distiller to keep for sale and sell liquor to the Board or as the Board may direct.

Regula-  
tions.

(2) The Board may with the approval of the Lieutenant-Governor in Council make regulations, providing for the returns to be made to the Board by a distiller and governing the manner in which liquor may be sold, kept for sale or delivered by such distiller.

Sales by  
distiller.

(3) No distiller shall keep for sale, sell or deliver liquor except as provided by this Act and the regulations made thereunder. R.S.O. 1927, c. 257, s. 51.

Term of  
license and  
authority.

**53.** Every license or authority issued under this Act unless sooner cancelled or determined shall expire at midnight on the

31st day of October in the year in which the same is issued.  
1934, c. 26, s. 12.

**54.** The Board may for any cause which it deems sufficient with or without any hearing, cancel or suspend any license granted to a brewer or brewer's agent or to a distiller, in the manner prescribed by the regulations, and all right of the brewer or brewer's agent or distiller to sell or deliver liquor or beer thereunder shall be suspended or determined as the case may be. R.S.O. 1927, c. 257, s. 53.

Cancellation of brewer's or distiller's license.

#### LIQUOR KEPT AND SOLD UNDER SPECIAL PERMITS.

**55.** Any druggist may have in his possession alcohol purchased by him from a vendor under a special permit pursuant to this Act, such alcohol to be used solely in connection with the business of the druggist in compounding medicines or as a solvent or preservative. R.S.O. 1927, c. 257, s. 54.

Possession of alcohol by druggists.

**56.** Except as authorized or permitted by this Act or by the regulations made thereunder and in accordance therewith, nothing in this Act, or in any Act, shall be construed as authorizing or permitting any druggist to have or keep for sale or by himself or his clerk, servant or agent, to sell any liquor. R.S.O. 1927, c. 257, s. 55.

Sale and keeping for sale by druggist.

**57.—(1)** Any physician who is lawfully and regularly engaged in the practice of his profession in the Province of Ontario and who deems liquor necessary for the health of a patient of his whom he has seen or visited professionally may give to such patient a prescription therefor in the prescribed form, signed by the physician and addressed to a vendor, or the physician may administer the liquor to the patient for which purpose the physician shall administer only such liquor as was purchased by him under special permit pursuant to this Act, and he may give to any such patient a prescription for liquor not exceeding six ounces, and supply or sell subject to the regulations, the said liquor to his patient, and may charge for the liquor so administered or sold, but no prescription shall be given nor shall liquor be administered or sold by a physician except to a *bona fide* patient in cases of actual need, and when in the judgment of the physician the use of liquor as medicine in the quantity prescribed, administered or sold is necessary.

Physicians.

**(2)** Every physician who gives any prescription or administers or sells any liquor in evasion or violation of this Act, or who gives to or writes for any person a prescription for or including liquor for the purpose of enabling or assisting any

Giving prescriptions or administering liquor illegally.

person to evade any of the provisions of this Act, or for the purpose of enabling or assisting any person to obtain liquor to be used as a beverage, or to be sold or disposed of in any manner in violation of the provisions of this Act, shall be guilty of an offence against this Act. R.S.O. 1927, c. 257, s. 56.

Sale of  
liquor by  
vendors on  
prescrip-  
tion.

**58.**—(1) A vendor may upon the prescription of a physician sell and supply for strictly medicinal purposes,—

- (a) beer in quantities not exceeding one dozen bottles, containing not more than three half-pints each or a quantity equivalent thereto at any one time;
- (b) wines and distilled liquor not exceeding one quart at any one time;
- (c) alcohol for rubbing or other necessary purposes not exceeding one pint at any one time.

(2) Every prescription issued under the authority of section 57 shall contain a certificate that the quantity of liquor therein mentioned is the minimum quantity necessary for the patient for whom it is ordered.

(3) Any violation of this section shall be an offence against this Act.

(4) No more than one sale and one delivery shall be made on any one prescription. R.S.O. 1927, c. 257, s. 57.

Dentists.

**59.** Any dentist who deems it necessary that any patient being then under treatment by him should be supplied with liquor as a stimulant or restorative may administer to the patient the liquor so needed, and for that purpose the dentist shall administer liquor purchased by him under special permit pursuant to this Act, and may charge for the liquor so administered, but no liquor shall be administered by a dentist except to a *bona fide* patient in case of actual need, and every dentist who administers liquor in evasion or violation of this Act, shall be guilty of an offence against this Act. R.S.O. 1927, c. 257, s. 58.

Veterinary  
surgeons.

**60.** Any veterinary who deems it necessary may in the course of his practice administer or cause to be administered liquor to any dumb animal, and for that purpose the veterinary shall administer or cause to be administered liquor purchased by him under special permit pursuant to this Act, and may charge for the liquor so administered or caused to be administered, but no veterinary shall himself consume nor shall he give to or permit any person to consume as a beverage any



liquor so purchased, and every veterinary who evades or violates or suffers or permits any evasion of this section shall be guilty of an offence against this Act. R.S.O. 1927, c. 257, s. 59.

**61.** Any person in charge of an institution regularly conducted as a hospital or sanitarium for the care of persons in ill-health, or as a home devoted exclusively to the care of aged people, may, if he holds a special permit, under this Act, for that purpose, administer liquor purchased by him under his special permit to any patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for the emergency medicinal purposes, and may charge for the liquor so administered, but no liquor shall be administered by any person under this section except to *bona fide* patients or inmates of the institution of which he is in charge and in cases of actual need, and every person, in charge of an institution or employed therein, who administers liquor in evasion or violation of this Act, shall be guilty of an offence against this Act. R.S.O. 1927, c. 257, s. 60.

Hospitals,  
etc.

#### APPLICATION OF ACT.

**62.**—(1) Nothing in this Act shall prevent any brewer, distiller or other person duly licensed under the provisions of any statute of the Dominion of Canada for the manufacture of liquor, from having or keeping liquor in a place and in the manner authorized by or under any such statute.

Dominion  
licenses.

(2) Nothing in this Act shall prevent,—

Sales to  
Board.

(a) the sale of liquor by any person to the Board;

(b) the purchase, importation and sale of liquor by the Board for the purposes of and in accordance with this Act. R.S.O. 1927, c. 257, s. 61.

**63.** Except as otherwise provided by this Act, or by the regulations, a druggist or manufacturer of patent or proprietary medicines may sell such medicine in the original and unbroken package if such medicine contains sufficient medication to prevent its use as an alcoholic beverage. 1928, c. 44, s. 7.

Patent or  
proprietary  
medicines.

**64.**—(1) Except as otherwise expressly provided in this Act or as provided by regulation, nothing in this Act shall prevent the sale,—

Certain  
tinctures,  
medicines,  
perfumes,  
etc.

(a) by a druggist or by the manufacturer of,—

- (i) any tincture, fluid extract, essence or medicated spirit containing alcohol prepared according to a formula of the British Pharmacopœia or other recognized standard work on pharmacy, or
  - (ii) medicine or other similar officinal or pharmaceutical compound or preparation, or
  - (iii) a perfume, or
  - (iv) for purely medicinal purposes, any mixture so prepared containing alcohol and other drugs or medicine; nor
- (b) by a merchant who deals in drugs and medicines, of such compounds, mixtures and preparations as are in this section hereinbefore mentioned and are so made or put up by a druggist or manufacturer;

by reason only that the same contain alcohol, but this shall only apply to any such compound, mixture and preparation as contains sufficient medication to prevent its use as an alcoholic beverage. R.S.O. 1927, c. 257, s. 63 (1); 1928, c. 44, s. 8.

Unreasonable quantity.

(2) If in any prosecution for selling any of the products mentioned in section 63, or this section, the justice hearing the complaint is of opinion that an unreasonable quantity of any such product, having regard to the purposes for which the same was legitimately manufactured, was sold or otherwise disposed of to any person either at one time or at intervals and proof is also given that such product was used for beverage purposes, the person selling or otherwise disposing of the same may be convicted of an offence under subsection 1 of section 87 of this Act. R.S.O. 1927, c. 257, s. 63 (2); 1928, c. 44, s. 9; 1936, c. 34, s. 4.

Penalty for using certain products as beverages.

**65.**—(1) Any person who obtains or consumes for beverage purposes any of the products mentioned in section 63 or 64 shall be guilty of an offence, and liable to the penalties prescribed by subsection 3 of section 120 of this Act. 1928, c. 44, s. 10; 1936, c. 34, s. 5 (2).

Sale of alcoholic compounds prohibited.

(2) Except as otherwise expressly provided in this Act, no person shall, within Ontario, have in his possession, sell or keep for sale any compound, mixture or preparation whether in solid or liquid form to which the addition of water or any other liquid or any substance will produce intoxicating liquor. 1930, c. 51, s. 4.

Colourable sales.

**66.**—(1) Where the justice before whom a complaint is heard finds that any patent or proprietary medicine mentioned

or referred to in section 63 or any other medicine, preparation or mixture mentioned or referred to in section 64 does not contain sufficient medication to prevent the same being used as an alcoholic beverage, the offender shall incur the penalties imposed as in the case of sale of liquor contrary to subsection 1 of section 87 of this Act.

(2) It shall not be necessary in the information, summons, warrant, distress warrant, commitment or other process or proceeding, except the finding or judgment, to set out that such patent or other medicine, preparation or mixture does not contain sufficient medication to prevent the same being used as an alcoholic beverage, but it shall be sufficient if the complaint and all other necessary statements of the offence allege or refer to the sale of liquor in contravention of this Act.

(3) The Department of Health, on complaint being made to the said Department that any patent or proprietary medicine or other medicine, preparation or mixture is believed not to contain sufficient medication to prevent its use as an alcoholic beverage, may cause an analysis of such patent or proprietary medicine or other medicine, preparation or mixture to be made by some competent person and if it be proved to the satisfaction of the said Department that such patent or proprietary medicine or other medicine, preparation or mixture contains more than one per centum by volume at 60 degrees Fahrenheit of absolute alcohol and that the medication found therein is not sufficient to prevent its use as an alcoholic beverage, the said Department shall certify accordingly, and such certificate signed or purporting to be signed by the Minister or Deputy Minister of Health shall be conclusive evidence of such insufficiency of medication in all subsequent proceedings until the manufacturer of such patent or proprietary medicine or other medicine, preparation or mixture demonstrates to the satisfaction of the said Department that sufficient medication to prevent its use as an alcoholic beverage is contained in such patent or proprietary medicine or other medicine, preparation or mixture, and the said Department so certifies.

(4) If the said Department should find and certify by certificate signed or purported to be signed as provided by subsection 3 that the said patent or proprietary medicine or other medicine, preparation or mixture contains any medication which, owing to the alcoholic properties of such patent or proprietary medicine or other medicine, preparation or mixture, would be liable to be taken in quantities injurious to health, the sale of such patent or proprietary medicine or other medicine, preparation or mixture, after a copy of such certificate has been consecutively published twice in the *Ontario Gazette*, shall be an

Charging  
the offence.

Analysis of  
patent or  
proprietary  
medicines.

Sale after  
report of  
Depart-  
ment  
against pre-  
paration  
analysis.

offence against this Act and any person on conviction therefor shall incur the penalties provided by subsection 1 of section 121 of this Act, unless the same has been so sold upon the written order of a medical practitioner.

Right to be  
heard by  
Depart-  
ment.

(5) On any inquiry under this section any interested party may be heard either personally, or by counsel or solicitor, by the Department before any certificate is issued. R.S.O. 1927, c. 257, s. 65.

Analysis of  
patent medi-  
cines kept  
by druggist.

**67.**—(1) A druggist or other person who keeps patent or proprietary medicines for sale shall, upon request made by the inspector or other person authorized by the Board, permit such inspector or other person to take away a sample sufficient for the purpose of analysis of any patent or proprietary medicine kept by him for sale.

Penalty.

(2) Any person who refuses to comply with such a request shall incur a penalty of not less than \$10 nor more than \$40. R.S.O. 1927, c. 257, s. 66.

Brewers'  
marks to  
show  
alcoholic  
content.

**68.**—(1) Every brewer shall on all beer or light beer manufactured and bottled by him for sale or consumption within the Province of Ontario, place a crown cork stopper or other stopper showing thereon by embossing on the outside thereof or by lithographing on the outside and inside thereof the name of the brewer and such other information as to the contents or otherwise as the Board may from time to time require and shall also cause the same information to be branded in or labelled on all casks, barrels, kegs or other vessels containing such beer or light beer so manufactured as the Board may determine.

Penalty.

(2) Any brewer violating the provisions of this section shall be guilty of an offence and shall for such offence incur a penalty of \$2,000. R.S.O. 1927, c. 257, s. 67.

### PART III.

#### LOCAL OPTION.

Local  
option  
by-laws.

1916, c. 50.

R.S.O. 1914,  
c. 215.

**69.**—(1) Except as provided by this Act and the regulations, no Government store shall be established by the Board for the sale of liquor, and beer and wine shall not be sold in any municipality or portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law passed under *The Liquor License Act* or under any other Act, was in force prohibiting the sale of liquor by retail unless and until a vote has been taken to establish Government



stores or for the sale of beer and wine under the provisions of this Act and the regulations in the manner herein provided. 1935, c. 35, s. 5 (1).

(2) The council of any municipality in which such by-law was in force may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, one of the following questions: Submission  
of question.

- (a) Are you in favour of the establishment of Government stores for the sale of liquor under *The Liquor Control Act*?

or

- (b) Are you in favour of the sale of beer and wine under the provisions of *The Liquor Control Act*?

and if a petition in writing signed by at least twenty-five per centum of the total number of persons appearing by the last revised list of the municipality to be resident in the municipality and qualified to vote at elections to the Assembly, requesting the council to submit either of the said questions, is filed with the clerk of the municipality and with the Board, it shall be the duty of the council to submit such question and no other to a vote of the electors, and if three-fifths of the electors voting upon the said question vote in the affirmative thereon, it shall be lawful to establish Government stores in the municipality for the sale of liquor and it shall also be lawful for the Board to authorize the sale of beer and wine in such municipality under the provisions of this Act, and the regulations as the case may be, until another vote is taken as hereinafter provided.

- (i) Not more than one of such questions shall be submitted to the electors of any municipality at one time; and
- (ii) Where petitions are presented praying for the submission of different questions, the question to be submitted shall be that asked for in the first petition filed.. 1935, c. 35, s. 5 (2).

(3) Where a Government store or stores has or have been established or where the sale of beer and wine under the provisions of this Act and the regulations is authorized in any municipality, the council may, as provided in subsection 2, and subject to the same provisions and on petition as in the case provided for by the said subsection, shall submit to the electors in the same manner, whichever of the following questions may be applicable under the existing circumstances: Submission  
of question  
of con-  
tinuance  
of stores  
and sale of  
beer and  
wine.

(a) Are you in favour of the continuance of Government stores for the sale of liquor under *The Liquor Control Act*?

or

(b) Are you in favour of the continuance of the sale of beer and wine under the provisions of *The Liquor Control Act*?

and if three-fifths of the electors voting on the said question vote in the negative, from and after the 31st day of March in the next following year, any Government store established in the municipality shall be closed, or the sale of beer and wine upon authorized premises shall be discontinued, as the case may be, according to which of the said questions was submitted. 1935, c. 35, s. 5 (3); 1936, c. 34, s. 7 (1).

Appoint-  
ment of  
managers  
for vote.

(4) At least five weeks before the taking of a vote upon any question under this section, the electors interested in obtaining an affirmative answer and negative answer respectively to the question may notify the returning officer in writing, signed by at least twenty-five electors, that they have appointed a manager for their side of the question and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager. R.S.O. 1927, c. 257, s. 69 (4); 1936, c. 34, s. 7 (2).

Notice of  
filing of  
petition.

(5) When any petition has been filed with the clerk of the municipality pursuant to the provisions of this section, the clerk shall give notice in writing of such filing to each of the managers, and the managers shall, for a period of four weeks from the date of such notice, be entitled to examine and inspect the petition. 1936, c. 34, s. 7 (3).

Date of  
polling.

Rev. Stat.,  
c. 266.

(6) The day fixed for taking the vote on any question shall be the day upon which under *The Municipal Act*, or any by-law passed under that Act, a poll would be held at the annual election of members of the council of the municipality unless the Board fix some other day and notify the clerk of the municipality to that effect on or before the 1st day of November of the year in which the vote is taken; but a poll shall not be held on any such question until after the expiration of two months from the passing of a by-law for submitting the question, where the council submits the same without a petition, nor until after the expiration of two months from the filing of the petition, as the case may be. 1929, c. 69, s. 6 (2).

Who may  
vote.

(7) The person qualified to vote upon such question shall be such persons as are named upon the polling list and would be qualified in other respects to vote at an election to the As-

sembly held on the day fixed for taking the poll upon the question; provided that in the event of the taking of a vote under subsection 3, notwithstanding anything contained in any statute of this Legislature, persons resident in any portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law under *The Liquor License Act* or under any other Act, was in force prohibiting the sale of liquor by retail, shall not be entitled to sign a petition pursuant to this section, excepting a petition respecting only such portion of the municipality, and shall not be entitled to vote on the said question unless and until a vote has been taken in such portion of the municipality on one of the questions set out in subsection 2, and three-fifths of the electors voting on such question have voted in the affirmative. 1936, c. 34, s. 7 (4).

(8) Except as otherwise provided by this Act, the provisions of *The Election Act* and *The Voters' Lists Act* respecting,—

Application  
of general  
law.

- (a) the preparation and revision of the lists;
- (b) the time and manner of holding the poll;
- (c) the holding of advance polls;
- (d) the forms to be used and the oaths to be administered;
- (e) the powers and duties of returning officers, deputy returning officers and poll clerks;

Rev. Stat.,  
cc. 8, 7.

and all the provisions relating to corrupt practices, illegal acts, offences and penalties and their prosecutions shall apply to the taking of a vote on the question submitted under this section.

(9) The returning officer upon the taking of a vote upon such a question shall be the clerk of the municipality, or in case of his inability to act, or of a vacancy in the office, some person to be appointed by by-law of the municipal council.

Returning  
officer.

(10) The returning officer shall make his return to the Clerk of the Crown in Chancery showing the number of votes polled for the affirmative and negative on the question submitted, and upon the receipt of such return, the Clerk of the Crown in Chancery shall make his return to the Lieutenant-Governor in Council and give notice thereof in the *Ontario Gazette* showing the total number of votes polled in the municipality for the affirmative and negative upon the question.

Return to  
Clerk of the  
Crown in  
Chancery.

(11) The Clerk of the Crown in Chancery and the Chief Election Officer, subject to the approval of the Lieutenant-Governor in Council, shall give such directions and make such regulations and prepare such forms as may appear to them to be necessary in carrying out the provisions of this section and for the guidance of returning officers and other officers and persons employed in the taking of the vote, and may modify or alter any of the provisions of *The Election Act* and *The Voters' Lists Act* when compliance therewith appears to be

Directions  
as to taking  
vote.

Rev. Stat.,  
cc. 8, 7.

inconvenient, impracticable or unnecessary and may make due provision for circumstances which may arise and which are not provided for or contemplated by this section.

**Forms**

(12) The forms to be used at the taking of the vote shall be the same as nearly as may be as the forms used at an election to the Assembly, but such forms may be modified and altered to comply with the provisions of this section or with any direction or regulation given or made thereunder.

**Fees and expenses.**

(13) The fees and expenses to be allowed to returning officers and other officers and servants for services performed under this section, and the expenses incurred in carrying out the provisions of this section shall be fixed by the Lieutenant-Governor in Council and shall be taxed and allowed by the chairman of the election board and be paid by the treasurer of the municipality to the persons entitled thereto. R.S.O. 1927, c. 257, s. 69 (7-12).

**Revision of lists.  
Rev. Stat.,  
cc. 7, 8.**

(14) The voters' lists shall be revised as provided in *The Voters' Lists Act* with respect to the revision of the lists at an election to the Assembly, and polling lists shall be prepared as provided by *The Election Act*, and the chairman of the election board may generally take all the proceedings which may be taken by the board in case of an election to the Assembly. 1936, c. 34, s. 7 (5).

**Chairman's fees.**

(15) The chairman shall be entitled to a fee of \$10 for every day upon which a sitting is actually held and his actual and necessary travelling expenses.

**Clerk of revision.**

(16) The clerk of the municipality shall perform the duties imposed upon the clerk of the revising officer by Part III of *The Voters' Lists Act*.

**Polling lists.**

(17) The polling lists for use at the taking of a vote on any such question shall not be printed, nor shall it be necessary to prepare more copies than are required to provide one copy of the list for each polling place, one copy for the returning officer and two copies for persons representing those supporting the affirmative and negative respectively.

**Submission of questions from time to time.**

(18) After a vote has been taken under the preceding provisions of this section the council may subject to the said provisions and upon the like petition, shall from time to time, submit any of the said questions which may be applicable to the circumstances, but no such question shall be so submitted until after the expiration of three years from the date of the last polling in the municipality under this section. R.S.O. 1927, c. 257, s. 69 (14-17).

**Form of ballot.**

(19) The form of ballot to be used in taking the vote under this section shall be one of the following according to the circumstances:



(FRONT)

1.

Are you in favour of the establishment of Government stores for the sale of liquor under The Liquor Control Act?

YES

NO

2.

Are you in favour of the sale of beer and wine under the provisions of The Liquor Control Act?

YES

NO

3.

Are you in favour of the continuance of Government stores for the sale of liquor under The Liquor Control Act?

YES

NO

4.

Are you in favour of the continuance of the sale of beer and wine under the provisions of The Liquor Control Act?

YES

NO

(BACK)

NO. 325

(Line of perforations here)

No. 325

Poll Book No. ....

(Line of perforations here)

.....  
D.R.O. Initials

Municipality of  
Carleton Place  
November 24, 1900  
John Jones, Printer  
Carleton Place.

Authorities  
for beer  
and wine,—  
issue of.

(20) Notwithstanding anything contained in this Act or the regulations the Board may issue authorities for the sale of beer and wine in any municipality or portion thereof in which a Government store has heretofore been established under the provisions of this Act pursuant to a vote of the qualified electors without any further vote being taken.

Where  
validity  
of vote  
questioned.

Rev. Stat.,  
c. 266.

(21) Notwithstanding anything contained in this or any other Act where the validity of a vote on any question submitted under this Act is questioned, the provisions of Part IV of *The Municipal Act* relating to proceedings to declare a seat vacant, shall *mutatis mutandis* apply, and any notice of motion required under the provisions of *The Municipal Act* shall be served on such person as the judge or master in chambers may direct. 1935, c. 35, s. 5 (5).

## PART IV.

### SALE OF BEER AND WINE.

Power of  
Board to  
authorize  
sale of beer  
and wine.

**70.**—(1) The Board, subject to the provisions of this Act and the regulations, may issue authorities for the sale of beer and wine or beer or wine in standard hotels and in such other premises as the regulations may provide and define.

Authorized  
premises to  
be subject  
to control of  
Board.

(2) Every standard hotel and other authorized premises in which beer and wine or beer or wine may be sold under the terms of any authority issued by the Board shall in every respect be subject to the control of the Board for the purpose of ensuring strict compliance with the provisions of this Act and the regulations. 1934, c. 26, s. 2, *part*.

Beer and  
wine to be  
bought  
under con-  
trol of  
Board.

**71.**—(1) No liquor may be kept for sale, sold or served in any authorized premises for which an authority is issued under this Part except beer and wine or beer or wine, as the authority may prescribe, bought under control of the Board and in accordance with the regulations.

Authority  
to specify  
what may  
be sold.

(2) No liquor may be kept for sale, sold or served in any authorized premises other than the liquor specified in the authority, and the same must be bought by the holder of the authority. 1934, c. 26, s. 2, *part*.

Sale of wine  
at meals  
only.

**72.**—(1) The Board shall not issue any authority for the sale of wine except to be served with meals in authorized premises.

Sale of beer  
in specified  
places only.

(2) The Board is issuing authorities for the sale of beer in authorized premises shall in every authority issued specify

the rooms or places therein to which the sale, serving and consumption of beer shall be restricted and confined. 1934, c. 26, s. 2, *part*.

**73.**—(1) The Board, with the approval of the Lieutenant-Governor in Council, may make such regulations with respect to any and all matters and things provided for in this Part as the Board may deem necessary, and without limiting the generality of the foregoing it is declared that the powers of the Board to make such regulations shall extend to and include the following,—

Power to make regulations.

- (a) governing, regulating, defining and designating standard hotels and other premises in which beer and wine may be sold under this Part; Authorized premises.
- (b) governing, regulating, defining and designating the portions of standard hotels and other premises and the rooms and places therein to which the keeping for sale, selling and consumption of beer and wine shall be restricted and confined; Places where beer and wine may be sold.
- (c) issuing, renewing, refusing, suspending, cancelling and forfeiting authorities for the sale of beer and wine, and prescribing the conditions to which such authorities shall be subject; Issue and cancellation, etc., of authorities.
- (d) location, construction, arrangement, accommodation, equipment, maintenance, management and operation of authorized premises; Location and construction, etc., of authorized premises.
- (e) purchase, delivery, keeping for sale, sale, serving and consuming of beer and wine; Purchase and sale, etc., of beer and wine.
- (f) prescribing the persons to whom the sale of beer or wine is to be restricted and the persons who may be prohibited from buying beer or wine; Restrictions and interdictions.
- (g) periods of the year, days and hours when beer and wine may be sold, served and consumed; Hours and days of sale.
- (h) employees of persons to whom authorities are issued under this Part and their duties; Employees.
- (i) books and records to be kept, returns to be made and information to be furnished with respect to authorized premises, and the examination and audit of such books and records; Books, records and returns.
- (j) inspection of authorized premises. Inspection.

(2) The provisions of subsection 1 of section 11 shall apply to any regulations made under this section. 1934, c. 26, s. 2, *part*. Application of s. 11, subs. 1.

When issue  
of authority  
prohibited.

**74.** No authority may be issued under this Part to any person who,—

- (a) is not a fit and proper person, or is not the true owner of the business carried on at the standard hotel or other premises for which the authority is sought;
- (b) has been convicted of any offence against such of the laws of Canada or Ontario as the regulations may specify and within the times therein mentioned;
- (c) is disqualified under this Act or the regulations or has not complied with the requirements thereof;
- (d) if an individual, is not a British subject;
- (e) if a corporation, is not incorporated as required by the regulations;
- (f) if a club, is not incorporated or otherwise organized as required by the regulations;
- (g) applies in respect of any premises which do not conform to the regulations. 1934, c. 26, s. 2, *part.*

Clubs.

**75.**—(1) No authority may be issued in respect of a club which is not incorporated or organized and operated in accordance with the regulations or in respect of a club which is operated for pecuniary gain.

Veterans'  
clubs.

(2) Notwithstanding the provisions of subsection 1, the Board may issue an authority to a club which is a duly chartered branch of any of the established war veterans' organizations in Canada which the Board may recognize as such.

Labour  
clubs.

(3) Notwithstanding the provisions of subsection 1, the Board may issue an authority to a club which is a duly chartered branch or union of any of the established labour organizations in Canada which the Board may recognize as such.

Member-  
ship of  
veterans'  
and labour  
clubs.

(4) Any member of a chartered branch of any of the war veterans' organizations mentioned in subsection 2, or of any of the labour organizations mentioned in subsection 3, shall for the purposes of this Act, be deemed to be a member of a chartered branch to which an authority is issued under this Part, if the rules of the organization and of such branch so permit. 1934, c. 26, s. 2, *part.*

Restriction  
on number  
of auth-  
orities.

**76.** The Board may restrict the number of authorities which it may see fit to issue in any municipality. 1934, c. 26, s. 2, *part.*



**77.** Every authority issued under this Part shall be subject to suspension or cancellation and no vested right to any renewal thereof shall accrue in favour of any person, and no such authority may be capitalized or may be sold, transferred or otherwise disposed of, or in any way dealt with except as provided by the regulations. 1934, c. 26, s. 2, *part*.

Authority  
not to  
confer any  
vested right

**78.**—(1) No authority may be issued under this Part,—

Authority  
not to be  
issued to  
persons  
under cove-  
nants, etc.

(a) to any person who is under written covenant with any person to sell the beer of any brewer or the wine of any manufacturer;

(b) to any brewer or manufacturer of wine or an agent of either;

Or to  
brewers,  
etc.

(c) to any person who is so associated or connected with, or financially interested in any brewery or wine manufactory as to be likely to promote the sale of the beer or wine, as the case may be, of such brewery or manufactory;

Or to per-  
sons inter-  
ested in  
breweries,  
etc.

(d) to any person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written or direct or indirect with any other person is or may be likely to promote the sale of the beer or wine, as the case may be, of any brewery or wine manufactory;

Or to  
persons  
under agree-  
ment, etc.,  
with  
brewers,  
etc.

(e) for any standard hotel or other premises in which any brewer or manufacturer of wine has any interest, whether freehold or leasehold, or by way of mortgage or charge or other incumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest is direct or indirect or contingent or by way of suretyship or guarantee.

Or for  
premises in  
which  
brewers,  
etc., are  
interested.

(2) Every covenant, whether verbal or written or contained in any written instrument, affecting real or personal property heretofore or hereafter made under or by which the beer manufactured by any brewer or the wine manufactured by any wine manufacturer is to be sold in or at any authorized premises is hereby declared to be null and void.

Covenants  
as to sup-  
plies of  
beer or wine  
to be void.

(3) Nothing in subsection 1 contained shall prevent the Board issuing an authority in respect of a standard hotel or other premises in which any brewer or wine manufacturer has any interest whether freehold or leasehold or by way of mortgage or charge or other incumbrance, if such interest was acquired prior to the 1st day of January, 1933, and not subsequent thereto; provided in any such case no authority shall

Exception  
where  
premises  
owned by  
brewers  
before 1st  
January,  
1933.

be issued in respect of any such hotel or premises contrary to the provisions of clause *a*, *b*, *c*. or *d* of subsection 1 and the Board may as a condition of issuing an authority for any such hotel or premises require the interest of the brewer or wine manufacturer to be disposed of according to terms prescribed by the Board. 1934, c. 26, s. 2, *part*.

Prohibi-  
tions as to  
sales.

**79.**—(1) No beer or wine may be sold or served in or at any authorized premises to any person who is,—

Minors.

(*a*) under the age of twenty-one years;

Intoxi-  
cated  
persons.

(*b*) in an intoxicated condition.

Prohibi-  
tions  
as to—

(2) No person holding an authority under this Part shall permit or suffer in the premises for which the authority is issued,—

Consump-  
tion by  
minors.

(*a*) any person under or apparently under the age of twenty-one years to consume any liquor;

Consump-  
tion by  
constable.

(*b*) any constable or police officer while on duty to consume any liquor;

Gambling,  
etc.

(*c*) any gambling, drunkenness or any riotous, quarrelsome, violent or disorderly conduct to take place;

Bad  
characters.

(*d*) any person of notoriously bad character to remain;

Slot  
machines.

(*e*) any slot machine or gambling device to be placed, kept or maintained.

Forceible  
removal of  
objec-  
tionable  
persons.

(3) Any person holding an authority under this Act, if he has reasonable grounds to suspect from the conduct of any person who has come upon the premises in respect of which such authority is issued, although not of notoriously bad character, that such person is present for some improper purpose or is committing an offence against this Act or the regulations, may request him or her to leave immediately such authorized premises, and unless the request is forthwith complied with such person may be forcibly removed. 1934, c. 26, s. 2, *part*.

Sale to or  
consump-  
tion by  
minors  
prohibited.

(4) No person under the age of twenty-one years shall have, purchase or consume beer or wine on any authorized premises. 1935, c. 35, s. 6.

Compliance  
with regula-  
tions as to  
sale and  
consump-  
tion.

**80.**—(1) No beer or wine may be sold or served to any person or consumed by him in any authorized premises, except in accordance with the regulations.

(2) No bar or counter over or at which liquor or other beverage could be sold or served shall be erected, placed, kept or maintained in that part of any authorized premises in which beer or wine is consumed. 1934, c. 26, s. 2, *part*. No bar to be erected.

**81.** Proof of the removal of any beer from any authorized premises in any packages shall *prima facie* be evidence against the person holding the authority for such premises of the sale of liquor contrary to the provisions of this Act. 1934, c. 26, s. 2, *part*. Removal of beer in packages an offence.

**82.** No person to whom the sale of intoxicants is prohibited by statute of Canada or Ontario and no interdicted person shall be permitted or suffered to remain in any authorized premises. 1934, c. 26, s. 2, *part*. Sales to interdicted persons prohibited.

**83.**—(1) The Board may require every person who, being an employee of a person to whom an authority is issued under this Part, is in any way engaged in selling or serving beer or wine to obtain an employee's authority from the Board in accordance with the regulations. Control of Board over employees in authorized premises.

(2) Where, as provided by subsection 1, employees are required by the Board to obtain an employee's authority, no person who is not so authorized may be employed in the sale or serving of beer or wine in any authorized premises. 1934, c. 26, s. 2, *part*. Prohibiting sale by unauthorized employees.

**84.** The Board may remit to any municipality in which authorities for the sale of beer and wine have been issued, such portion of the fees payable to the Board by the holders of authorities in such municipality as may be fixed from time to time by the Lieutenant-Governor in Council. 1935, c. 35, s. 7. Remission of portion of fees to municipality.

## PART V.

### SALE OF LIGHT BEER.

**85.**—(1) The Board may with the approval of the Minister and subject to the regulations hereinafter provided,—

(a) grant a permit to any person authorizing such person to keep for sale and sell light beer by himself or by his clerk, servant or agent in the premises designated in such permit, and if the person to whom such permit is granted sells or keeps for sale any liquor in contravention of this Act or of the regulations made Permits for sale of light beer.

thereunder in the premises designated in such permit by himself or by his clerk, servant or agent acting within the scope of his employment, he shall be personally liable to incur the penalties provided for by subsection 1 of section 120 and for a second or subsequent offence by himself or by his clerk, servant or agent be personally liable to incur the penalties provided for second offences by the said section;

Employee's permit.

(b) grant to any clerk, servant or agent of such person a permit to sell light beer upon the premises in respect of which a permit has been granted under clause a, the permit to be known as an employee's permit.

Inspection.

(2) The premises designated in any permit shall be open to inspection at all times by any inspector or other officer whose duty it is to enforce or assist in the enforcement of the provisions of this Part.

Fee.

(3) The fee for a permit granted under subsection 1 shall not exceed \$20.

Cancellation.

(4) The Board may with or without a hearing for any cause which they deem sufficient cancel any such permit at any time.

Light beer not to be sold except under Act.

(5) Except as expressly provided by this section and by the regulations passed thereunder no light beer shall be sold or kept for sale.

Regulations.

(6) The Board may with the approval of the Lieutenant-Governor in Council make regulations not inconsistent with the provisions of this Act,—

(a) restricting or regulating the granting of permits under this section and providing for the fees to be charged therefor and for the manner of cancellation of such permits;

(b) restricting or regulating generally the keeping for sale or selling of light beer and without limiting the generality of the foregoing, the time or times the persons to whom and the premises in which light beer may be sold or kept for sale;

(c) approving of any forms deemed necessary for the proper enforcement of the provisions of this section;

(d) generally for the better carrying out of the provisions of this section. R.S.O. 1927, c. 257, s. 70.

Allowing disorderly persons on premises for which permit granted.

**86.**—(1) Every person who, having a permit under section 85, allows drunkenness or any violent, quarrelsome, riotous or disorderly conduct to take place upon the premises designated in the permit, or sells or delivers light beer to any drunken



person or permits and suffers any drunken person to consume any light beer on such premises, or permits and suffers persons of notoriously bad character to assemble or meet on such premises or suffers any gambling or any unlawful game to be carried on on such premises shall be guilty of an offence against the provisions of this Act and shall be liable to the penalties mentioned in section 121.

(2) Any person having a permit under section 85 may if he has reasonable grounds to suspect from the conduct of any person who has come upon the premises mentioned in his permit, although not of notoriously bad character, that such person is present for some improper purpose, may request him or her to leave immediately such premises, and unless the request is forthwith complied with such person may be forcibly removed. R.S.O. 1927, c. 257, s. 71.

Right of  
permit  
holder to  
require  
withdrawal  
of person.

## PART VI.

### PROHIBITIONS, INTERDICTION, PENALTIES AND PROCEDURE IN PROSECUTIONS AND ON APPEAL.

#### *Prohibitions.*

**87.**—(1) Except as provided by this Act, no person shall, within the Province, by himself, his clerk, servant or agent, expose, or keep for sale, or directly or indirectly or upon any pretence, or upon any device, sell or offer to sell liquor or in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property, give to any other person liquor. R.S.O. 1927, c. 257, s. 72 (1).

Selling, etc.,  
liquor  
otherwise  
than under  
Act.

(2) Except as expressly provided by this Act and by the regulations, no person shall have or keep any liquor within Ontario which has not been purchased from a Government vendor or from a physician as provided by section 57. 1930, c. 51, s. 5.

Possession.

(3) Subsection 2 shall not apply to the Board nor to the keeping or having of any proprietary or patent medicines or of any extracts, essences, tinctures or preparations where such having and keeping is authorized by this Act.

Exceptions.

(4) Nothing in this section shall apply to the possession by a sheriff or his bailiff of liquor seized under execution or other judicial or extra-judicial process nor to sales under executions or other judicial or extra-judicial process to the Board. R.S.O. 1927, c. 257, s. 72 (3, 4).

Liquor  
taken under  
judicial  
process.

Brewers'  
etc. giving  
liquor.

**88.** No brewer, distiller or manufacturer of liquor shall, within the Province, by himself, his clerk, servant or agent, give to any person any liquor, except as may be permitted by and in accordance with the regulations made under this Act. R.S.O. 1927, c. 257, s. 73.

Sale by  
vendors and  
other  
officials.

**89.**—(1) No person authorized to sell liquor in accordance with the provisions of this Act, and no clerk, servant or agent of such person shall sell or furnish liquor in any other place or at any other time or otherwise than as authorized by this Act and the regulations.

Permit  
issuers.

(2) No official or person authorized to issue permits under this Act shall issue more than one permit for the purchase of liquor under this Act to any one individual.

False and  
fictitious  
permits.

(3) No person authorized to issue permits under the provisions of this Act shall issue any permit,—

(a) to any person who is disqualified under the provisions of this Act and the regulations to make application for such permit;

(b) to any person furnishing any false or fictitious particulars in his application for such permit.

Furnishing  
liquor on  
illegal  
permit.

(4) No person authorized to sell liquor in accordance with the provisions of this Act, and no clerk, servant or agent of such person shall sell or furnish liquor to any permit holder whose permit has not been acquired in accordance with the provisions of this Act and the regulations. 1930, c. 51, s. 6.

Adulter-  
ated liquor  
sold under  
license.

**90.** No holder of a license under this Act, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any liquor kept for sale, sold or supplied by him as a beverage, any drug or any form of methylic alcohol or any crude, unrectified or impure form of ethylic alcohol or any other deleterious substance or liquid. R.S.O. 1927, c. 257, s. 75.

Interest in  
liquor busi-  
ness for-  
bidden to  
Board, etc.

**91.**—(1) No member or employee of the Board shall be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor, whether as owner, part owner, partner, member of syndicate, shareholder, agent or employee and whether for his own benefit or in a fiduciary capacity for some other person.

Taking  
improper  
commis-  
sions.

(2) No member or employee of the Board or any employee of the Government shall solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from any

person or corporation having sold, selling or offering liquor for sale to the Government or Board in pursuance of this Act.

(3) No person selling or offering for sale to, or purchasing liquor from, the Government or the Board, shall either directly or indirectly offer to pay any commission, profit or remuneration, or make any gift to any member or employee of the Board or to any employee of the Government, or to anyone on behalf of such member or employee. R.S.O. 1927, c. 257, s. 76.

Offering  
commis-  
sions, etc.

**92.** Except as provided in this Act, no person shall, within the Province, by himself, his clerk, servant, or agent attempt to purchase, or directly or indirectly or upon any pretence or upon any device, purchase or in consideration of the sale or transfer of any property, or for any other consideration, or at the time of the transfer of any property, take or accept from any other person any liquor. R.S.O. 1927, c. 257, s. 77.

Taking  
liquor  
unlawfully  
disposed of.

**93.** Except as provided by this Act no person, within the Province of Ontario, shall consume any liquor on any premises where liquor is kept for sale. R.S.O. 1927, c. 257, s. 78; 1934, c. 26, s. 15.

Consump-  
tion of  
liquor pro-  
hibited.

**94.** Except as provided by this Act and the regulations, no person shall consume liquor within Ontario unless the same has been acquired under the authority of a permit or prescription issued under this Act, or is had or kept with the permission of the Board, and unless the package in which the liquor is contained and from which it is taken for consumption has, while containing that liquor, been sealed with the official seal prescribed under this Act and the regulations. 1930, c. 51, s. 7; 1934, c. 26, s. 16.

Liquor  
which may  
be con-  
sumed.

**95.—(1)** Except in the case of,—

Liquor to  
be sealed.

- (a) liquor imported by the Government, or by the Board; or
- (b) sacramental or other wines used for religious purposes; or
- (c) liquor had or kept under the provisions of section 62, no liquor shall be kept or had by any person in Ontario unless the package, not including a decanter or other receptacle containing the liquor for immediate consumption, in which the liquor is contained is, while containing that liquor, sealed with the official seal prescribed under this Act. 1930, c. 51, s. 8.

Seizure of  
liquor  
without  
warrant.

(2) Any provincial police inspector, constable or other officer who finds liquor which in his opinion is had or kept by any person in violation of the provisions of this Act may, without laying any information or obtaining any warrant, forthwith seize and remove the same and the packages in which the liquor is kept, and upon conviction of the person for a violation of any provision of this section the liquor and all packages containing the same shall in addition to any other penalty prescribed by this Act, *ipso facto* be forfeited to His Majesty, in the right of the Province. R.S.O. 1927, c. 257, s. 80 (2).

Consump-  
tion else-  
where than  
in residence.

**96.**—(1) Except as expressly provided by this Act or regulations made thereunder, no person shall consume liquor in any place other than a residence.

Drunken-  
ness in  
public  
places.

(2) No person shall be in an intoxicated condition in a public place. R.S.O. 1927, c. 257, s. 81.

Sale of  
liquor to  
drunken  
person.

**97.** No person shall sell or supply liquor or permit liquor to be sold or supplied to any person under or apparently under the influence of liquor. R.S.O. 1927, c. 257, s. 82; 1934, c. 26, s. 17.

Supplying  
liquor to  
minors.

**98.** Liquor shall not be given, sold or otherwise supplied to any person under the age of twenty-one years, but this shall not apply to the supplying of liquor to a person under the age of twenty-one years for medicinal purposes only by the parent or guardian of such person or to the administering of liquor to such person by a physician or as provided by this Act. R.S.O. 1927, c. 257, s. 83.

Supply of  
liquor to  
person  
whose per-  
mit is sus-  
pended.

**99.** Except in the case of liquor administered by a physician or dentist or sold upon a prescription in accordance with the provisions of this Act, no person shall procure or supply or assist directly or indirectly in procuring or supplying liquor for or to any person whose permit is suspended or has been cancelled. R.S.O. 1927, c. 257, s. 84.

Board may  
prohibit  
purchase,  
etc.

**100.**—(1) Notwithstanding anything contained in this Act or the regulations, the Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner, prohibit any person from purchasing, having, giving or consuming any liquor, including beer and wine, and any such person who contravenes such order shall be guilty of an offence against the provisions of this Act.

Board may  
prohibit  
supplying.

(2) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prohibit a ven-



dor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person from supplying either directly or indirectly liquor, including beer and wine, to any person against whom an order has been issued pursuant to subsection 1 and any such vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person who contravenes any such order so made against him shall be guilty of an offence against the provisions of this Act.

(3) The Board may by order signed by the Chief Commissioner or the Deputy Chief Commissioner prescribe the kinds and quantities of liquor, including beer and wine, which may be sold to any person by a vendor, brewer, brewers' agent, manufacturer of native wine, holder of an authority or other person under this Act and any person who contravenes the provisions of any such order shall be guilty of an offence against this Act. Board may prescribe.

(4) Service of the orders of the Board mentioned in subsections 1, 2 and 3 shall be effective if forwarded by prepaid registered mail to the last known address of the person against whom such order is made. 1936, c. 34, s. 8. Service of order.

**101.** Except in the case of liquor supplied to an interdicted person upon the prescription of a physician, or administered to him by a physician or dentist pursuant to this Act, no person shall procure for or sell, or give, to any interdicted person, any liquor, nor directly or indirectly assist in procuring or supplying any liquor to any interdicted person. R.S.O. 1927, c. 257, s. 85. Supply of liquor to interdicted person.

**102.** No permit shall be issued to any interdicted person, and every interdicted person who makes application for a permit, or who enters or is found upon the premises of any Government store shall be guilty of an offence against this Act. R.S.O. 1927, c. 257, s. 86. Permits and interdicted persons.

**103.**—(1) Subject to the provisions of subsection 2, no person whose permit is suspended or cancelled shall during the period of such suspension or after such cancellation hold, possess or make application for another permit under this Act. Fresh application.

(2) Subsection 1 shall not create an offence for any person whose permit is suspended or cancelled making application to the Board for return of such suspended permit or issue of a new permit. 1933, c. 25, s. 2. Exception.

**104.**—(1) No person shall purchase or attempt to purchase liquor under a permit which is suspended or which has been cancelled, or of which he is not the holder. Purchase under suspended permit.

Applying  
for permit  
in false  
name.

(2) No person shall apply in any name except his own for the issue to him of a permit authorizing the purchase of liquor or beer. R.S.O. 1927, c. 257, s. 88.

False  
address.

(3) No person shall furnish a wrong or fictitious address in applying for the issue to him of a permit authorizing the purchase of liquor and beer. 1929, c. 69, s. 8.

Possession  
of false or  
fictitious  
permit.

(4) Except as provided by this Act and the regulations, no person shall within Ontario have or keep in his possession, a false or fictitious permit purporting to authorize the purchase of liquor or beer, or a permit of which he is not the holder. 1930, c. 51, s. 9.

Permitting  
drunken-  
ness.

**105.** No person shall,—

- (a) permit drunkenness to take place in any house or on any premises of which he is the owner, tenant or occupant; or
- (b) permit or suffer any person apparently under the influence of liquor to consume any liquor in any house or on any premises of which the first named person is owner, tenant or occupant; or
- (c) give any liquor to any person apparently under the influence of liquor. R.S.O. 1927, c. 257, s. 89.

Having  
liquor  
without  
permit.

**106.**—(1) Except as authorized by this Act, no person, not holding a permit under this Act entitling him so to do, shall have any liquor in his possession within the Province. R.S.O. 1927, c. 257, s. 90 (1).

Possession  
of liquor on  
permit.

(2) The holder of an individual permit may have in his possession or consume in his residence only the liquor had and acquired by him under his individual permit or otherwise under the provisions of this Act and in accordance therewith.

Illegal pos-  
session.

(3) No person may have in his possession or consume in his residence any liquor which has not been had or acquired by him under his individual permit or otherwise under the provisions of this Act and in accordance therewith.

Possession  
of beer and  
wine.

(4) Every person who is not prohibited or disqualified by the provisions of this Act or any other Act from having in his possession or consuming the same, may have in his possession and consume beer or wine, provided the sale, possession and consumption of such beer or such wine is made and had in accordance with the provisions of this Act. 1934, c. 26, s. 18.

**107.**—(1) Except as provided by this Act and the regula- <sup>Hotels.</sup>  
tions and except in the case of liquor kept and consumed pur-  
suant to a special permit granted under the provisions of  
section 38 of this Act, no person,—

- (a) shall keep or consume liquor in any part of a hotel other than a private guest room;
- (b) shall keep or have any liquor in any room in a hotel unless he is a *bona fide* guest of the hotel and is duly registered in the office of the hotel as an occupant of that room and has baggage and personal effects belonging to him in the hotel. R.S.O. 1927, c. 257, s. 91; 1934, c. 26, s. 19.

(2) The Board upon the application of the owner or pro- <sup>Application  
by hotel  
owner.</sup>  
prietor of any hotel may declare such hotel, or any designated part thereof, to be a public place for the purposes of this Act and may grant a certificate to such effect signed by the Chief Commissioner or Deputy Chief Commissioner to the said owner or proprietor.

(3) From the date of the granting of such certificate such <sup>Hotel  
declared  
a public  
place.</sup>  
hotel or any such designated part thereof, shall be a public place for the purposes of this Act and the provisions of subsection 1 shall not apply to such hotel or such designated part thereof.

(4) Upon the application of the owner or proprietor of any <sup>Cancellation  
of  
certificate.</sup>  
hotel to whom such certificate has been granted, the Board may at any time cancel such certificate and from the date of such cancellation the said hotel, or such part thereof as is designated in such certificate, shall for the purposes of this Act cease to be a public place and the provisions of subsection 1 shall apply to such hotel or such designated part. 1929, c. 69, s. 9.

(5) If the owner or proprietor of any hotel, or his clerk, <sup>Duty of  
hotel  
proprietor.</sup>  
servant or agent finds any individual permit on the hotel premises, or any part thereof, he shall deliver the same within twenty-four hours to the nearest vendor for transmission to the Board. 1930, c. 51, s. 11.

**108.**—(1) Except as permitted by this Act or regulations <sup>Canvassing  
for orders.</sup>  
made thereunder, no person within the Province shall,—

- (a) canvass for, receive, take or solicit orders for the purchase or sale of any liquor or act as agent or intermediary for the sale or purchase of any liquor, or hold himself out as such agent or intermediary;

Signs.

(b) exhibit or display, or permit to be exhibited or displayed any sign or poster containing the words "bar," "bar-room," "saloon," "tavern," "spirits," or "liquors" or words of like import;

Special signs.

(c) exhibit or display, or permit to be exhibited or displayed any advertisement or notice of or concerning liquor by an electric or illuminated sign, contrivance or device, or on any hoarding, sign-board, billboard or other place in public view or by any of the means aforesaid, advertise any liquor. R.S.O. 1927, c. 257, s. 92 (1).

Approved advertising.

(2) This section shall not apply to any advertisement respecting liquor in premises where the same may be lawfully stored, kept or sold under this Act, provided such advertisement has first been permitted in writing by the Board and then subject to such permission and the directions of the Board. 1934, c. 26, s. 20.

Advertising.

(3) No person shall within the Province unless authorized by the Board, exhibit, publish or display or permit to be exhibited, published or displayed any other advertisement, or form of advertisement, or any other announcement, publication or price list of or concerning liquor or where or from whom the same may be had, obtained or purchased.

Exception.

(4) This section shall not apply to,—

(a) the Board nor to any act of the Board, nor to any Government store; nor

(b) the receipt or transmission of a telegram or letter by any telegraph agent or operator or post office employee in the ordinary course of his employment as such agent, operator or employee. R.S.O. 1927, c. 257, s. 92 (3, 4).

Labels, etc., for beer or liquor.

**109.** Every person manufacturing or brewing beer shall put upon all bottles containing beer so manufactured or brewed for sale within the Province a distinctive label showing the nature of the contents, the name of the person by whom the beer is manufactured or brewed, and the place where the beer was brewed, and shall show clearly on all barrels or other receptacles containing beer so manufactured or brewed, whether bottled or otherwise, the nature of the contents, the name of the person by whom the beer is manufactured or brewed, and the place where the beer was brewed, and for the purposes of this section, the contents of bottles, barrels, and other receptacles containing beer shall be shown by the use



of the word "beer," "ale," "stout," or "porter" on the outside of all bottles, barrels and other receptacles. R.S.O. 1927, c. 257, s. 93.

**110.**—(1) Subject to the provisions of this Act and the regulations and to any restrictions which the Board may impose, manufacturers of native wines may keep and offer for sale, sell and deliver the same in such quantities as may be permitted by the Board. 1934, c. 26, s. 21 (1). Sale of native wine.

(2) A manufacturer of native wines shall not sell such wines otherwise than as permitted by this Act or allow any wine so sold, or any part thereof, to be drunk upon the premises of such manufacturer. R.S.O. 1927, c. 257, s. 94 (2); 1934, c. 26, s. 21 (2). Sales prohibited.

**111.**—(1) Where it is made to appear to the satisfaction of a judge of the county or district court that any person, resident or sojourning within the Province, by excessive drinking of liquor, misspends, wastes, or lessens his estate, or injures his health, or interrupts the peace and happiness of his family, the judge may make an order of interdiction directing the cancellation of any permit held by that person and prohibiting the sale of liquor to him until further ordered, and the judge shall cause the order to be forthwith filed with the Board. R.S.O. 1927, c. 257, s. 95 (1). Order of interdiction.

(2) Every interdicted person keeping or having in his possession or under his control or consuming any liquor shall be guilty of an offence against this Act, and, on summary conviction thereof, the justice making the conviction may in and by the conviction declare the liquor and all packages in which the same is contained to be forfeited to His Majesty in the right of the Province. R.S.O. 1927, c. 257, s. 95 (2); 1934, c. 26, s. 22. Disregard of order.

**112.** Upon an order of interdiction being made, the interdicted person shall forthwith deliver to the Board all liquor in his possession or under his control to be kept for him by the Board until the order of interdiction is revoked or set aside, or at the option of the Board, such liquor may be purchased from him at a price to be fixed by the Board. 1934, c. 26, s. 23. Delivery of liquor to Board on interdiction.

**113.** Upon receipt of the order of interdiction, the Board shall cancel any permit held by the interdicted person, and shall notify the interdicted person and all vendors, and such other persons as may be provided by the regulations, of the cancellation of the permit, and of the order of interdiction so Cancellation of permit.

made and filed prohibiting the sale of liquor to the interdicted person. R.S.O. 1927, c. 257, s. 97.

Revocation  
of order.

**114.**—(1) Upon an application to the judge by any person in respect of whom an order of interdiction has been made under this Act, and upon it being made to appear to the satisfaction of the judge that the circumstances of the case did not warrant the making of the order of interdiction, or upon proof that the interdicted person has refrained from drunkenness for at least twelve months immediately preceding the application, the judge may by order set aside the order of interdiction filed with the Board, and the interdicted person may be restored to all his rights under this Act, and the Board shall accordingly forthwith notify all vendors and such other persons as may be provided by the regulations.

Notice of  
applica-  
tion.

(2) The applicant shall, at least ten clear days before the application, give notice thereof to the Board, in writing served upon the Board, and to such other persons as the judge may direct. R.S.O. 1927, c. 257, s. 98.

#### PENALTIES AND PROCEDURE.

Violations  
of Act to be  
offences.

**115.** Every person who violates any provision of this Act or the regulations made thereunder shall be guilty of an offence against this Act, whether otherwise so declared or not. R.S.O. 1927, c. 257, s. 99.

First  
offence.

**116.** Any violation of the provisions of this Act or the regulations by any person shall be charged as a first offence notwithstanding such person has been previously convicted of an offence against the provisions of this Act or the regulations; provided, however, that such violation by such person shall be charged as a first offence only if the previous conviction occurred more than one year previous to the date of such violation. 1935, c. 35, s. 8.

Brewers and  
distillers.

**117.** Every brewer, distiller or manufacturer who is convicted of keeping for sale or selling liquors by himself, or by his clerk, servant, agent or employee contrary to the provisions of this Act, or of the regulations made thereunder shall incur a penalty of \$5,000. R.S.O. 1927, c. 257, s. 100.

Penalty for  
offence as to  
permits.

**118.**—(1) Everyone who violates any of the provisions of subsection 1 of section 89 shall for a first offence be imprisoned for not more than six months and for a second or subsequent offence be imprisoned for not more than twelve months. 1929, c. 69, s. 10, *part.*

(2) Every person who knowingly violates any of the provisions of subsections 2, 3 and 4 of section 89 shall be imprisoned for not less than six months nor more than twelve months. 1930, c. 51, s. 13. Penalty.

(3) Every person who violates any of the provisions of section 91 shall be imprisoned for not more than twelve months. 1929, c. 69, s. 10, *part*. Corrupt dealings of officials.

**119.** Every person who knowingly violates any provision of sections 98 and 101 shall for the first offence be imprisoned for not less than one month, nor more than three months, and for a second or subsequent offence, be imprisoned for not less than four months, nor more than twelve months. R.S.O. 1927, c. 257, s. 102. Sale to minors and interdicted persons.

**120.**—(1) Every person who violates any of the provisions of subsection 1 of section 87 of this Act shall for a first offence be imprisoned for not less than two months or more than six months, and for a second or subsequent offence be imprisoned for six months. Sale without authority.

(2) Every person who violates any of the provisions of section 90 of this Act shall for a first offence be imprisoned for not less than six months nor more than one year, and for a second or subsequent offence shall be imprisoned for not less than one year. R.S.O. 1927, c. 257, s. 103 (1, 2). Adulterated liquor.

(3) Everyone who violates any of the provisions of sections 35, 36, 43, 57, 59, 60, 61, subsection 2 of section 87 or sections 99, 104, 106, 107, 108 or subsection 4 of section 125 shall be liable, for a first offence, to a fine of not less than \$100 nor more than \$1,000, and in default of immediate payment shall be imprisoned for a period of three months and for a second or subsequent offence, to imprisonment for three months. 1930, c. 51, s. 14. Penalties.

(4) If the offender convicted of an offence referred to in this section is a corporation, it shall be liable to a penalty of not less than \$1,000 nor more than \$3,000. R.S.O. 1927, c. 257, s. 103 (4). Corporations.

(5) Everyone who violates any of the provisions of subsection 2 of section 96 shall be liable for a first offence to a penalty of not less than \$10 nor more than \$50, and in default of immediate payment to imprisonment for not more than thirty days; for a second offence to a penalty of not less than \$50 nor more than \$100, and in default of immediate payment to imprisonment for not less than one month nor more than two months, and for a third or subsequent offence, to imprisonment Drunkenness in public places.

for not less than three months nor more than six months without the option of a fine. 1933, c. 25, s. 3.

General  
penalty.

**121.**—(1) Every person guilty of an offence against this Act for which no penalty has been specifically provided shall be liable, for a first offence to a penalty of not less than \$10, nor more than \$500, and in default of immediate payment, to imprisonment for not more than thirty days; for a second offence to imprisonment for not less than one month nor more than two months, or to a penalty of not less than \$200 nor more than \$1,000 and, in default of immediate payment, to imprisonment for not less than two months nor more than four months, and for a third or subsequent offence to imprisonment for not less than three months nor more than six months, without the option of a fine. R.S.O. 1927, c. 257, s. 104 (1); 1934, c. 26, s. 24.

Corpora-  
tions.

(2) If the offender convicted of an offence referred to in this section is a corporation, it shall for a first offence be liable to a penalty of not less than \$1,000 nor more than \$2,000 and for a second or subsequent offence to a penalty of not less than \$2,000 nor more than \$3,000. R.S.O. 1927, c. 257, s. 104 (2).

Increased  
penalties  
in certain  
cases.

(3) Where any person charged with an offence against any of the provisions of this Act, is found in possession of liquor purchased in accordance with the provisions of this Act, which liquor exceeds the sum of \$50 in value, or where such person is found in possession of any liquor not purchased in accordance with the provisions of this Act, the justice making the conviction shall in addition to any other penalty prescribed, impose on such person a sentence of not less than one month nor more than three months' imprisonment unless such person establishes, to the satisfaction of the justice, the circumstances under which such liquor was obtained, the person from whom such liquor was so obtained and the manner in which it came into the possession of the person so charged; provided, however, that it shall not be necessary to set out in the information charging the offence or in the conviction, the value of the liquor or the fact that such liquor was not purchased in accordance with the provisions of this Act. 1929, c. 69, s. 12; 1933, c. 25, s. 4.

Recovery of  
penalties  
from cor-  
poration by  
distress.

**122.**—(1) Whenever any corporation is convicted of any offence against or under this Act and the conviction adjudges a pecuniary penalty or compensation to be paid by such corporation, or an order under this Act requires the payment of a sum of money by a corporation, the court, judge, or justice,



by his or their conviction or order, after adjudging payment of such penalty, compensation or sum of money with costs may order and adjudge that, in default of payment of such penalty, compensation or sum of money forthwith or within a limited time, such penalty, compensation or sum of money shall be levied by distress and sale of the goods and chattels of such corporation.

(2) In any such case and in addition to the other remedies provided hereby, a copy of such conviction or order certified to by any judge, or justice, or by the officer in whose custody the same is by law required to be kept, may be filed in the proper county or district court, and such conviction or order shall thereupon become a judgment of said court and all proceedings may be thereupon taken and had as on any other judgment of said court.

Enforcing  
judgment  
against cor-  
poration.

(3) In the case of the conviction of or an order against a corporation which by the law of Ontario is required to obtain a license to carry on its business in Ontario and has obtained such license, if the penalty, compensation or sum of money be not paid according to the terms of the conviction or order, the Lieutenant-Governor in Council may, in case of such default in payment of penalty, compensation or sum of money as aforesaid, cancel and revoke the license so issued to such corporation.

Cancell-  
ation of  
license of  
corpora-  
tion.

(4) Provided always that nothing in this section contained shall be construed as in any way affecting, limiting or restricting any proceedings which otherwise can or may be taken or had for the infliction of punishment by penalty or imprisonment or the modes of enforcement or recovery of fines or penalties.

Proviso.

(5) Notwithstanding anything in this Act where a pecuniary penalty is imposed, the justice may in his discretion order that in default of payment of the penalty, distress shall issue for the recovery thereof or he may if he sees fit order that in default of immediate payment of the penalty the offender shall be committed to gaol for such period as may be allowed by law. R.S.O. 1927, c. 257, s. 105.

Power to  
issue dis-  
tress on  
non-pay-  
ment of  
penalty.

**123.** Where an offence against this Act is committed by a corporation, the officer or agent of the corporation in charge of the premises in which the offence is committed shall *prima facie* be deemed to be a party to the offence so committed, and shall be personally liable to the penalties prescribed for the offence as a principal offender; but nothing in this section shall relieve the corporation or the person who actually committed the offence from liability therefor. R.S.O. 1927, c. 257, s. 106.

Offence by  
corpora-  
tion.

Liability of  
occupant.

**124.**—(1) Upon proof of the fact that an offence against this Act has been committed by any person in the employ of the occupant of any house, shop, room, or other premises in which the offence is committed, or by any person who is suffered by the occupant to be or remain in or upon such house, shop, room or premises, or to act in any way for the occupant, the occupant shall *prima facie* be deemed to be a party to the offence so committed, and shall be liable to the penalties prescribed for the offence as a principal offender, notwithstanding the fact that the offence was committed by a person who is not proved to have committed it under or by the direction of the occupant; but nothing in this section shall relieve the person actually committing the offence from liability therefor. R.S.O. 1927, c. 257, s. 107.

Inference  
from cir-  
cumstances  
in case of  
hotels or  
other  
premises.

(2) Upon proof of the fact that an offence against any of the provisions of this Act has been committed upon or in respect of any premises, or any portion thereof, by any person claiming to be agent, tenant or lessee of the owner or proprietor of such premises, or any such portion thereof, the justice trying the case shall have the right to draw inferences of fact from the agreement or lease between such person and such owner or proprietor and from the number of offences which have been committed against this Act upon or in respect of such premises, or any such portion thereof, and from the circumstances under which liquor is kept or dealt with upon such premises, or any such portion thereof, and if the justice is of opinion that the owner or proprietor had knowledge of the use of such premises, or such part thereof, in the committing of offences against this Act, he may impose upon such owner or proprietor a penalty of not less than \$1,000 nor more than \$2,000 and in default of immediate payment thereof, such owner or proprietor shall be imprisoned for not less than three months nor more than six months. 1930, c. 51, s. 15.

Search with  
warrant.

**125.**—(1) Upon information on oath by any provincial police inspector, constable or other officer, that he suspects or believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, it shall be lawful for any justice, or any justice of the peace, by warrant under his hand, to authorize and empower the inspector or constable, or any other person named therein, to enter and search the building or premises and every part thereof at any time and for that purpose to break open any door, lock, or fastening of the building or premises or any part thereof, or any closet, cupboard, box, or other receptacle therein which might contain liquor.

Reasons for  
suspicion  
need not be  
set out.

(2) It shall not be necessary for the inspector, constable or other officer to set out in the information any reason or

grounds for his suspicion or belief. R.S.O. 1927, c. 257, s. 108 (1, 2).

(3) Any provincial police inspector, other officer or constable who is authorized in writing for the purpose by the Commissioner of Police for Ontario, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, may without warrant enter and search the building or premises, and every part thereof and for that purpose may break open any door, lock, or fastening of the building or premises or any part thereof, or any closet, cupboard, box or other receptacle therein which might contain liquor, and such authority shall be a general one and shall be effective until revoked. R.S.O. 1927, c. 257, s. 108 (3); 1936, c. 34, s. 9.

(4) Every person being in the building or premises or having charge thereof who refuses or fails to admit any inspector or constable demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such inspector or constable, or any such search by him, shall be guilty of an offence against this Act. R.S.O. 1927, c. 257, s. 108 (4).

**126.** Any police officer or constable may arrest without warrant any person whom he finds committing an offence against this Act. R.S.O. 1927, c. 257, s. 109.

**127.** Any provincial police inspector, or constable or other officer, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, and is contained in any vehicle, motor car, automobile, vessel, boat, canoe, or conveyance of any description, or is unlawfully kept or had, or kept or had for unlawful purposes, on the lands or person of any person, shall have power without warrant to search for such liquor wherever he may suspect it to be, and if need be, by force, and may search the person himself, and may seize and remove any liquor found and the packages in which the same is kept. R.S.O. 1927, c. 257, s. 110.

**128.** Notwithstanding anything contained in this Act or the regulations, any search warrant or authorization to search issued or authorized under this Act or the regulations may be executed at any time, including Sunday or other holiday, and by day or night. 1936, c. 34, s. 10.

**129.** Where the provincial police inspector, constable, or other officer, in making or attempting to make any search under or in pursuance of the authority conferred by section 125 or

127 of this Act, finds in any building or place any liquor which, in his opinion, is unlawfully kept or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Act, he may forthwith seize and remove the same and the packages in which the same is kept, and may seize and remove any book, paper or thing found in the building or place which, in his opinion, will afford evidence as to the commission of any offence against this Act, and upon the conviction of the occupant of such building or place or any other person for keeping the liquor contrary to any of the provisions of this Act in such building or place, the justice making the conviction shall in and by the conviction declare the liquor and packages or any part thereof to be forfeited to His Majesty, in the right of the Province. R.S.O. 1927, c. 257, s. 111.

Seizure  
and for-  
feiture of  
liquor and  
vehicles,  
etc.

**130.** Where the provincial police inspector, constable, or other officer, in making or attempting to make any search under or in pursuance of the authority conferred by section 127 finds in any vehicle, motor car, automobile, vessel, boat, canoe, or conveyance of any description, liquor which, in his opinion, is unlawfully kept or had, or kept or had for unlawful purposes contrary to any of the provisions of this Act, he may forthwith seize the liquor and the packages in which the same is contained, and the vehicle, motor car, automobile, vessel, boat, canoe, or conveyance in which the said liquor is so found, and upon the conviction of the occupant or person in charge of the vehicle, motor car, automobile, vessel, boat, canoe, or conveyance or of any other person, for having or keeping the said liquor, contrary to any of the provisions of this Act in such vehicle, motor car, automobile, vessel, boat, canoe, or conveyance, the justice making the conviction may in and by the conviction declare the liquor or any part thereof so seized and the packages in which the same is contained to be forfeited to His Majesty, and the justice may in and by the conviction further declare the vehicle, motor car, automobile, vessel, boat, canoe or conveyance so seized to be forfeited to His Majesty, in the right of the Province. R.S.O. 1927, c. 257, s. 112.

Impound-  
ing and for-  
feiture of  
vehicles,  
etc.

**131.**—(1) Where liquor is found by any provincial police inspector, constable or other officer on any premises or in any place or in any vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description and in such quantities as to satisfy the inspector, constable or officer that such liquor is being had or kept contrary to the provisions of this Act, it shall be lawful for the inspector, constable or officer to forthwith seize and remove by force, if necessary, any liquor so found and the packages in which the liquor was had or kept,



together with any vehicle, motor car, automobile, vessel, boat, canoe or conveyance containing such liquor.

(2) Where liquor and any vehicle, motor car, automobile, vessel, boat, canoe or other conveyance containing liquor has been seized by an inspector, constable or officer under any of the provisions of this Act, under such circumstances that the inspector or constable is satisfied that such liquor was had or kept contrary to any of the provisions of this Act, he shall under the provisions of this section retain such liquor and the packages in which the same was had or kept, together with such vehicle, motor car, automobile, vessel, boat, canoe or other conveyance. Duty of officer.

(3) If within thirty days from the date of the seizure no person by notice in writing filed with the Board, claims to be the owner of the liquor and the vehicle, motor car, automobile, vessel, boat, canoe or other conveyance containing such liquor, the liquor and all packages containing the same, together with such vehicle, motor car, automobile, vessel, boat, canoe or other conveyance containing such liquor shall *ipso facto* be forfeited to His Majesty in the right of the Province and shall forthwith be delivered to the Board. Forfeiture.

(4) If within the said time any claimant appears, it shall be incumbent upon him within that time and after three days' notice in writing filed with the Board stating the time and place fixed for the hearing, to prove his claim and his right under the provisions of this Act to the possession of such liquor and packages to the satisfaction of any justice, and on failure within that time to prove and establish his claim and right, the liquor and packages and the vehicle, motor car, automobile, vessel, boat, canoe or other conveyance in which such liquor was found shall *ipso facto* be forfeited to His Majesty in the right of the Province. 1929, c. 69, s. 13. Onus on claimant.

**132.**—(1) In every case in which a justice makes any order for the forfeiture of liquor under any of the provisions of this Act, and in every case in which any claimant to liquor under the provisions of section 131, fails to establish his claim and right thereto, the liquor in question and the packages in which the liquor is kept shall forthwith be delivered to the Board. Delivery of forfeited liquor to Board.

(2) The Board shall thereupon determine the market value of all forfeited liquor which is found to be suitable for sale in the Government stores, and the Board shall pay the amount so determined to the Treasurer of Ontario, after deducting therefrom the expenses necessarily incurred by the Board for transporting the forfeited liquor to the Government warehouses, and the liquor suitable for sale shall be taken into stock by the Board and sold under the provisions of this Act. Purchase of forfeited liquor by Board.

Destruction of forfeited liquor unfit for use.

Report on seizure.

Duties of officers and Crown attorneys on receiving information of infringement of this Act.

Duties of officers.

Carriers not producing records.

Description of offence.

(3) All forfeited liquor which is found to be unsuitable for sale in Government stores shall be destroyed under competent supervision as may from time to time be directed by the Board.

(4) In every case in which liquor is seized by a provincial police inspector, constable or other officer, it shall be his duty to forthwith make or cause to be made to the Board a report in writing, of the particulars of such seizure. R.S.O. 1927, c. 257, s. 114.

**133.** Where any information is given to any provincial police inspector, constable or other officer, that there is cause to suspect that some person is contravening any of the provisions of this Act, it shall be his duty to make diligent inquiry into the truth of such information, and to enter complaint of such contravention before the proper court, without communicating the name of the person giving such information, and it shall be the duty of the Crown attorney within the county in which the offence is committed to attend to the prosecution of all cases submitted to him by an inspector or constable or by an officer appointed under this Act by the Board or by any officer appointed by the council of a municipality under section 139 and the council appointing such officer shall be responsible for the payment of the proper fees of the Crown attorney when so employed by such officer. R.S.O. 1927, c. 257, s. 115.

**134.**—(1) For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this Act, any inspector or officer appointed by the Board in writing for the purpose, or any provincial inspector, constable or other officer, may inspect the freight and express books and records, and all way-bills, bills of lading, receipts, and documents in the possession of any railway company, express company, or other common carrier doing business within Ontario, containing any information or record relating to any goods shipped or carried or consigned or received for shipment or carriage within Ontario.

(2) Every railway company, express company, or common carrier, and every officer or employee of any such company or common carrier, who neglects or refuses to produce and submit for inspection any book, record, or document referred to in subsection 1 when requested to do so by the Board or by such inspector or officer, provincial inspector or constable shall be guilty of an offence against this Act. R.S.O. 1927, c. 257, s. 116.

**135.** In describing the offence respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping,

giving, purchasing or the consumption of liquor in any information, summons, conviction, warrant, or proceeding under this Act, it shall be sufficient to state the sale or keeping for sale, or disposal, having, keeping, giving, purchasing, or consumption of liquor simply, without stating the name or kind of such liquor or the price thereof, or any person to whom it was sold or disposed of, or by whom it was taken or consumed, or from whom it was purchased or received, and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had, kept, given, purchased or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity. R.S.O. 1927, c. 257, s. 117.

**136.** Notwithstanding anything in this Act, at any time before judgment the justice may amend or alter any information and may substitute for the offence charged therein any other offence against the provisions of this Act; but, if it appears that the defendant has been materially misled by such amendment, the justice shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment. R.S.O. 1927, c. 257, s. 118.

Powers as to amendment.

**137.** The penalties in money imposed under this Act or any portion of them that may be recovered except as provided in section 138 shall be paid to the convicting justice in the case, and shall by him be paid to the district inspector of provincial police, whose duty it is to enforce the provisions of this Act in any county or district in which the offence was committed, to be paid or remitted to the Board in accordance with its regulations. R.S.O. 1927, c. 257, s. 119.

Payment over and application of penalty.

**138.** Where an officer appointed under section 139 is the prosecutor or complainant, the penalty in money or such part thereof as the Board may by regulation determine, shall be paid to the treasurer of the local municipality, wherein the offence was committed. R.S.O. 1927, c. 257, s. 120.

Penalties payable to municipalities.

**139.** The council of any municipality may by by-law appoint an officer or officers whose duty it shall be to enforce the provisions of this Act within the municipality, and such council may by by-law provide for the payment of such officer or officers, and for payment of any expenses incurred in such enforcement out of the general funds of the municipality, and every officer so appointed shall have within the municipality for which he is appointed all the powers conferred on a provincial constable under this Act, and all the provisions of this

Appointment of officers by councils to enforce provisions of this Act.

Officers appointed by councils. Act, applicable to any such constable shall apply to any officer appointed under this section and acting within the municipality for which he is appointed in the same manner and to the same extent as if such municipal officer were expressly mentioned in such provisions, but nothing in this section contained shall be construed to authorize the payment to such officer of any part of the fines recovered under this Act. R.S.O. 1927, c. 257, s. 121.

Information.

**140.** All informations or complaints for the prosecution of any offence against any of the provisions of this Act, shall be laid or made in writing, within three months after the commission of the offence or after the cause of action arose and not afterwards, before any justice of the peace for the county or district in which the offence is alleged to have been committed, and may be made without any oath or affirmation to the truth thereof, and the same may be according to form provided in the regulations or to the like effect. R.S.O. 1927, c. 257, s. 122; 1932, c. 33, s. 5.

When to be laid.

Form.

All prosecutions may be before justice.

**141.** All prosecutions under this Act, whether for the recovery of a penalty or otherwise, shall take place before a magistrate having jurisdiction or before two or more justices of the peace where no such magistrate is available. R.S.O. 1927, c. 257, s. 123.

Penalties, recovery of.

**142.** Except as otherwise provided in this Act, the penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* and the provisions of the said Act shall apply to prosecutions thereunder. 1935, c. 35, s. 9.

Rev. Stat., c. 136.

Description of offence.

**143.** The description of any offence under this Act, in the words of this Act, or in any words of like effect, shall be sufficient in law, and any exception, exemption, provision, excuse, or qualification, whether it occurs by way of proviso or in the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived, in the information; but if it is so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant. R.S.O. 1927, c. 257, s. 125.

Information.

**144.** In any prosecution under this Act for the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing, or consuming of liquor, it shall not be necessary that any witness should depose to the precise description or quantity of the liquor sold, disposed of, kept,



had, given, purchased, or consumed, or the precise consideration (if any) received therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal or certain knowledge; but the justice trying the case, so soon as it appears to him that the circumstances in evidence sufficiently establish the offence complained of, shall put the defendant on his defence, and, in default of his rebuttal of such evidence to the satisfaction of the justice, convict him accordingly. R.S.O. 1927, c. 257, s. 126.

**145.** In proving the sale, disposal, gift or purchase, gratuitous or otherwise, or consumption of liquor, it shall not be necessary in any prosecution to show that any money actually passed or any liquor was actually consumed, if the justice hearing the case is satisfied that a transaction in the nature of a sale, disposal, gift, or purchase actually took place, or that any consumption of liquor was about to take place, and proof of consumption or intended consumption of liquor on premises on which such consumption is prohibited, by some person not authorized to consume liquor thereon, shall be evidence that such liquor was sold or given to or purchased by the person consuming, or being about to consume, or carrying away the same, as against the occupant of the said premises. R.S.O. 1927, c. 257, s. 127. Proof of sale.

**146.** In any prosecution under this Act, or the regulations made thereunder, production by a police officer, policeman, constable, provincial police inspector or peace officer, of a certificate or report signed or purporting to be signed by a Dominion or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, such certificate or report shall be conclusive evidence of the facts stated in such certificate or report and of the authority of the person giving or making the same without any proof of appointment or signature. R.S.O. 1927, c. 257, s. 128. Analysis by Dominion or provincial analysts.

**147.** The justice trying a case, shall in the absence of proof to the contrary, be at liberty to infer that the liquor in question is intoxicating from the fact that a witness describes it as intoxicating, or by a name which is commonly applied to an intoxicating liquor. R.S.O. 1927, c. 257, s. 129. Inference as to intoxicating liquor.

**148.** Upon the hearing of any charge of selling or purchasing liquor, or of unlawfully having or keeping liquor, contrary to any of the provisions of this Act, the justice trying the case shall have the right to draw inferences of fact from the kind and quantity of liquor found in the possession Inference from circumstances.

of the person accused, or in any building, premises, vehicle, motor car, automobile, vessel, boat, canoe, conveyance, or place occupied or controlled by him, and from the frequency with which the liquor is received thereat or therein or is removed therefrom, and from the circumstances under which it is kept or dealt with. R.S.O. 1927, c. 257, s. 130.

Onus on  
proof of  
possession.

**149.**—(1) If, on the prosecution of any person charged with committing an offence against this Act, in selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, *prima facie* proof is given that such person had in his possession or charge or control any liquor in respect of or concerning which he is being prosecuted, then, unless such person proves that he did not commit the offence with which he is so charged, he may be convicted of the offence. R.S.O. 1927, c. 257, s. 131.

Entries on  
permit  
*prima facie*  
evidence.

(2) In the prosecution of any person charged with an offence against this Act, the entries on the back of any permit produced shall be *prima facie* evidence of the sale to the holder of such permit of the kind and quantities of liquor endorsed thereon, and of the dates of such sales. 1928, c. 44, s. 12.

Certificate  
of cancella-  
tion of  
permit  
*prima facie*  
evidence.

(3) In the prosecution of any person charged with an offence against this Act, the production of a certificate of cancellation or suspension of permit signed by any member of the Board, shall be *prima facie* evidence of the cancellation or suspension of the permit mentioned in such certificate. 1930, c. 51, s. 16; 1934, c. 26, s. 25.

Burden of  
proof.

**150.**—(1) The burden of proving the right to have or keep or sell or give or purchase or consume liquor shall be on the person accused of improperly or unlawfully having or keeping or selling or giving or purchasing or consuming such liquor.

Onus on  
physicians.

(2) The burden of proving that any prescription or administration of liquor is *bona fide* and for medical purposes only shall be upon the person who prescribes or administers such liquor, or causes such liquor to be administered, and a justice trying a case shall have the right to draw inferences of fact from the frequency with which similar prescriptions are given and from the amount of liquor prescribed or administered, and from the circumstances under which it is prescribed or administered. R.S.O. 1927, c. 257, s. 132.

Procedure  
where con-  
viction  
charged.

**151.**—(1) The proceedings upon any information for an offence against any of the provisions of this Act, in a case

where a previous conviction or convictions are charged shall be as follows,—

- (a) the justice shall in the first instance inquire concerning such subsequent offence only, and if the accused is found guilty thereof he shall then be asked whether he was so previously convicted as alleged in the information, and if he answers that he was so previously convicted he shall be sentenced accordingly; but if he denies that he was so previously convicted or does not answer such question, the justice shall then inquire concerning such previous conviction or convictions; Use of previous conviction after accused found guilty.
  - (b) such previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of a convicting justice or the Minister or the clerk of the court to whose office the conviction has been returned, without proof of signature or official character; Proof of previous convictions.
  - (c) in the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof, by reason of any previous convictions being set aside, quashed, or otherwise rendered void, a justice by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named, and shall thereupon, upon proof of the due service of such summons, if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed, and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance; Procedure where previous conviction avoided.
  - (d) in case of any person who has been convicted of a violation of any provision of this Act is afterwards convicted of a violation of any other provision of this Act, such later conviction shall be deemed a conviction for a second offence within the meaning of this Act, and shall be dealt with and punished accordingly, although the two convictions may have been under different sections. Conviction under different sections.
- (2) Charges of several offences against this Act committed by the same person may be included in one and the same information, if the information and the summons or warrant issued thereon contain specifically the time and place of each offence. Including several charges in one information.

One conviction for several offences.

(3) One conviction for several offences, and providing a separate penalty or punishment for each, may be made under this Act, although such offences may have been committed on the same day, but the increased penalty or punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed on different days and after information laid for a first offence. R.S.O. 1927, c. 257, s. 133.

Service on corporations.

**152.** In all prosecutions, actions, or proceedings under the provisions of this Act, against a corporation, every summons, warrant, order, writ, or other proceeding may in addition to any other manner of service which may be provided or authorized by law be served on the corporation by delivering the same to any officer, attorney or agent of the corporation within the Province, or by leaving it at any place within the Province, where it carries on any business; provided, that service in any other way shall be deemed sufficient if the court or justice by or before whom such summons, warrant, order, writ, or other proceeding was issued or is returnable, or by or before whom any proceeding subsequent to such service is to be had or taken, is of the opinion that the service has been such as to bring the summons, warrant, order, writ, or other proceeding to the notice of the corporation. R.S.O. 1927, c. 257, s. 134.

Presumption as to incorporation.

**153.** In any prosecution, action or proceeding under this Act in which it is alleged that a corporation is or has been guilty of an offence against this Act, the fact of the incorporation of that corporation shall be presumed without it being proved by the prosecutor, unless satisfactory proof is produced to the contrary. R.S.O. 1927, c. 257, s. 135.

Informalities not to invalidate.

**154.**—(1) No order or warrant based upon a conviction and no search warrant, shall upon any application, by way of *certiorari* or motion to quash or *habeas corpus* be held insufficient or invalid for any irregularity, informality or insufficiency therein or by reason of any defect of form or substance.

Amendment.

(2) The court or judge hearing any such application may amend the order, warrant, or search warrant as justice may require. R.S.O. 1927, c. 257, s. 136.

Notice of motion to quash conviction.

**155.** No motion to quash a conviction, order, or warrant, made under this Act shall be heard by the court or judge unless the notice of such motion has been served within thirty days from the date of the conviction or order. R.S.O. 1927, c. 257, s. 137.



**156.**—(1) Any person convicted under this Act may, subject to the provisions hereinafter mentioned, appeal from the conviction to the judge of the county or district court of the county or district in which the conviction is made sitting in chambers without a jury if notice of such appeal is given to the prosecutor or complainant and to the convicting justice within twenty days of such conviction.

Appeal to county or district judge.

(a) Such notice shall set forth the grounds on which the appeal is made and shall have endorsed thereon the address at which the appellant may be served with any notice or process in connection with any proceeding under this section or under section 157 of this Act.

Notice to set forth grounds and give address for service.

(2) There shall be delivered to the convicting justice, with such notice of appeal, an affidavit of the person convicted complying with the requirements set out in subsection 15. R.S.O. 1927, c. 257, s. 138 (1, 2).

Affidavit to be delivered with notice of appeal.

(3) The term "judge" as used in this Act shall mean the judge, junior judge or acting judge of the county or district court of a county or district. 1930, c. 51, s. 17 (1).

"Judge," meaning of.

(4) In case the appellant has paid the fine and costs imposed upon him by the convicting justice, he may, subject to the conditions set out in subsections 1 and 2 and the deposit of \$50 with the justice to answer the respondent's costs, appeal against such conviction to the judge having jurisdiction in the matter who shall hear and determine such appeal as provided in subsections 11 and 12.

Appeal after payment of fine and costs.

(a) The deposit of \$50 referred to in this subsection shall be made at the time of the delivery of the notice of appeal or within five days thereafter, or in default of such deposit, his appeal shall be dismissed.

When deposit for costs of appeal to be made.

(5) Subject to subsection 6, the person convicted, if he is in custody, shall either remain in custody until the hearing of such appeal before the judge, or he may, notwithstanding any order of imprisonment either in the first instance, or in default of the payment of a fine, enter into a recognizance with two sufficient sureties in such sum or sums as the justice with the approval of the Crown attorney may fix, conditioned personally to appear before the judge and to try such appeal and abide by his judgment thereupon, and also to pay any penalty in money and costs which the judge may order.

Recognizance.

(6) Where the appellant desires to deposit a sum of money instead of providing sureties, he may do so on entering into a recognizance on his own behalf, and depositing an amount

Money deposit in lieu of recognizance.

approved by the convicting justice and the Crown attorney, not being less than a surety would be required to become responsible for, and any money so deposited shall be available for the payment of any fine and costs which the judge may think fit to impose.

When  
security  
may be  
withdrawn  
or can-  
celled.

(7) In any case in which security is provided, whether in money or otherwise, the same shall not be withdrawn until the time has elapsed for entering an appeal, and in case of a further appeal, the security shall remain until the final disposition of the case.

Recogniz-  
ance.

(8)—(a) Upon the recognizance being entered into the justice shall liberate such person if in custody.

Transmis-  
sion of  
papers to  
county  
court clerk.

(b) The justice shall immediately after such liberation, or if the appellant remains in custody shall immediately after service of the notice of appeal upon the magistrate, deliver or transmit by registered post to the clerk of the county or district court, to be delivered after filing to the judge appealed to, the depositions and all other papers in the case, including notice of appeal and affidavit of the appellant with a certificate signed by the justice in the form herein-after mentioned, and such certificate shall be deemed to be a part of the record.

Form of  
certificate.

(9) The said certificate shall be in the following form:

#### CERTIFICATE OF JUSTICE.

Certificate  
of justice  
with return.

A notice having been served upon me, the undersigned, of the intention of the defendant to appeal against my decision in the case set out in the information mentioned below, I herewith in pursuance of the Statute, return the following papers therein:

1. Notice of appeal and affidavit (*if any*).
2. Information.
3. Summons or warrant issued thereon.
4. The evidence.
5. The conviction or order (*as the case may be*).
6. Other papers (*if any*), naming them.

And I hereby certify to the judge of the county (*or district*) of that I have above truly set forth all the papers and documents in my custody or power relating to the matter set forth in the said notice of appeal.

Dated this                      day of                      , 19                      .

Justice

in and for the.....

Fee of clerk  
of court.

(10) The appellant shall pay to the clerk of the county or district court for his attendance and services in connection with such appeal the sum of \$2, and the same shall be taxed as costs in the cause. R.S.O. 1927, c. 257, s. 138 (4-10).

(11) Within thirty days from the service of the notice of appeal the judge shall, on the application of any appellant, grant a summons calling upon all parties to attend before him at his chambers on the day and hour named therein, when the hearing of the appeal will be proceeded with; provided, however, that if no such application is made within the said thirty days, the judge, upon proof of the failure to make such application, shall order that the appeal be forthwith dismissed with costs. 1930, c. 51, s. 17 (2).

Summons to be issued by judge.

(12) The appeal shall be heard and determined upon the evidence and proceedings had and taken before the justice to be called the record, and the judge may, upon such hearing, make such order as he may think fit affirming, reversing or amending the conviction appealed from, and the conviction so made shall have the same effect and be enforced in the same way as if made by the justice whose conviction is appealed from.

Appeal to be on evidence before justice.

(a) The order or judgment of the judge shall not take effect until fifteen days from the date thereof, provided, however, that if the release of a person from custody has been ordered the judge may, with the approval of the Crown attorney, grant bail to the prisoner in such sum and with such surety or sureties as the judge, with the approval of the Crown attorney, may deem sufficient and may take the recognizance of the accused accordingly conditioned to abide by the decision of the Court of Appeal to which an appeal may be taken as provided by section 157 of this Act.

(13) The practice and procedure upon such appeals and all proceedings thereon, shall, except as hereinbefore provided, be governed by *The Summary Convictions Act* so far as the same is not inconsistent with this Act.

Application of Rev. Stat., c. 136.

(14) Any informant or complainant dissatisfied with an order of dismissal made by a justice under this Act may, with the consent of the Attorney-General, procured within fifteen days of the date of the order of dismissal, appeal to the judge of the county or district court in the county or district in which the order complained of was made, and the proceedings shall be the same as nearly as may be as in the case of an appeal by a person convicted under this Act, and the judge shall have and may exercise the same powers as in the case of an appeal against a conviction, and may make such order as he may think fit and the deposit of security in such case shall be dispensed with.

Appeal from order of dismissal.

*Affidavits of  
bona fides.*

(15) No appeal shall lie from a conviction for any violation or contravention of any of the provisions of this Act unless the party appealing shall, with his notice of appeal, deliver to the justice who tried the case, an affidavit that he did not by himself or by his agent, servant or employee or any other person with his knowledge or consent commit the offence charged in the information, and such affidavit shall negative the charge in the terms used in the conviction, and shall further negative the commission of the offence by the agent, servant or employee of the accused or any other person with his knowledge or consent, which affidavit shall be transmitted with the conviction and other papers to the judge to whom the appeal is made, provided that where the appeal is only as against the penalty imposed by the justice the affidavit required by this section shall not be necessary.

(a) If the party appealing be a corporation, the affidavit referred to in this section may be made by the president, secretary or any other officer or employee of the corporation having knowledge of the facts.

*Other  
appeals not  
allowed.*

(16) Except as provided by this section, no appeal shall be taken against any conviction or order made by a justice under any of the provisions of this Act. R.S.O. 1927, c. 257, s. 138 (12-16).

*Appeal to  
Court of  
Appeal.*

**157.**—(1) At any time within fifteen days from the date of the judgment or order of any judge of a county or district court arising out of or under section 156 of this Act, the Attorney-General may direct an appeal to the Court of Appeal from the judgment or order of a judge of the county or district court in any case arising out of or under the said section in which the Attorney-General certifies that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal. R.S.O. 1927, c. 257, s. 139 (1) ; 1932, c. 33, s. 6 (1).

*Notice of  
appeal.*

(2) Such appeal shall be had upon notice thereof to be given to the opposite party of the intention to appeal setting forth the grounds of such appeal.

*Service.*

(3) Service of the notice of appeal upon the solicitor for the opposite party or upon a grown-up person at the last known place of residence or business of the opposite party, or the sending of such notice by registered mail, to the last known address of such party shall be deemed good and sufficient service. R.S.O. 1927, c. 257, s. 139 (2).

*Practice on  
appeals.*

(4) Except so far as otherwise provided by this Act the Consolidated Rules of Practice and Procedure of the Supreme



Court relating to appeals to the Court of Appeal shall apply to appeals under this section. 1932, c. 33, s. 6 (2).

(5) The clerk of the county or district court shall certify the judgment, conviction, orders and all other proceedings to the proper officer of the Supreme Court at Toronto for use upon appeal. R.S.O. 1927, c. 257, s. 139 (3). Certifying proceedings to court.

(6) The Court of Appeal shall thereupon hear and determine the appeal and shall make such order for carrying into effect the judgment of the Court as the Court shall think fit. R.S.O. 1927, c. 257, s. 139 (4); 1932, c. 33, s. 6 (3). Hearing and determination of appeal.

**158.**—(1) From and after the date on which this Act comes into force the Board may license one or more hotels in every municipality for the accommodation of the travelling public and other guests, and every such license shall be deemed to be a license to the person and for the premises therein described. Licensing hotels.

(2) The Board may by regulation define the conditions, accommodation and qualifications requisite for obtaining such license and regulate the hotels so licensed. Regulations.

(3) The hotels so licensed shall be known as standard hotels. Standard hotels.

(4) The annual fee to be paid for such license shall be \$1. License fee.

(5) The keeper of a standard hotel shall be entitled to sell non-intoxicating drinks and beverages other than light beer, cigars, cigarettes and tobacco, and to conduct an ice cream or general restaurant or cafe without further or other license. Privileges of licensee.

(6) No restaurant license or other license to sell the articles or commodities or any of them mentioned in subsection 5, shall without the consent of the Board be issued by any municipality or under its authority in respect of any premises which form part of a building in which an unlicensed hotel, inn or house of public entertainment is carried on, whether or not there are any internal means of communication between the respective premises. Control of restaurant licenses.

(7) The keeper of any hotel, inn or house of public entertainment not so licensed as aforesaid shall not sell or traffic in any of the articles mentioned in subsection 5, and any such keeper who violates this subsection shall be guilty of an offence under this Act. Penalty for sale of articles in unlicensed premises.

Cancelling  
license.

(8) The Board may cancel any such license at any time for such reason as to the Board may seem sufficient.

Power to  
grant tax  
exemption.

(9) The council of any municipality may by by-law grant any such standard hotel total or partial exemption from municipal taxation, except school and local improvement taxes. R.S.O. 1927, c. 257, s. 140.

General  
intent.

**159.** The purpose and intent of this Act, are to prohibit transactions in liquor, which take place wholly within the Province of Ontario, except under Government control as specifically provided by this Act, and every section and provision of this Act, dealing with the importation, sale and disposition of liquor within the Province through the instrumentality of a board and otherwise provide the means by which such Government control shall be made effective and nothing in this Act shall be construed as forbidding, affecting or regulating any transaction which is not subject to the Legislative authority of the Province. R.S.O. 1927, c. 257, s. 141.

Saving as  
to legisla-  
tive author-  
ity of the  
Province.

Fatal  
accidents  
caused by  
use of  
liquor.

**160.**—(1) Whenever any person has drunk liquor to excess and, while in a state of intoxication from such drinking, has come to his death by suicide or drowning, or perishing from cold or other accident caused by such intoxication, the person or persons who furnished or gave the liquor to such person when in a state of intoxication, or on whose premises it was obtained by such intoxicated person while intoxicated, shall be liable to an action for a wrongful act and as a personal wrong, and subject to the provisions of subsection 2, such action may be brought under *The Fatal Accidents Act*, and the amount which may be recovered as damages shall not be less than \$100.

Rev. Stat.,  
c. 210.

Limitation  
of actions.

(2) Any such action shall be brought within six months from the date of the death of such intoxicated person and not afterwards. R.S.O. 1927, c. 257, s. 143.

Proclama-  
tion for-  
bidding pos-  
session of  
liquor.

**161.** In any case of emergency the Lieutenant-Governor in Council may issue a proclamation forbidding any person to have liquor in his possession within the area mentioned in such proclamation, unless such person has been authorized in writing by the Board and given special permission thereby to have liquor within that area, and the proclamation may also authorize, within such area the seizure without other warrant or authority and detention for such time as may be authorized, of any liquor not had or kept with the permission of the Board within such area, and the proclamation may remain in force for such period as may be therein determined. R.S.O. 1927, c. 257, s. 144.

## 6. PUBLIC MORALS.

## CHAPTER 295.

## The Standard Hotel Registration of Guests Act.

**1.** Every licensee, owner, manager or other person in charge of a hotel licensed as a standard hotel under the provisions of *The Liquor Control Act* shall keep in such hotel a register in which shall be entered the name and usual place of residence of every person admitted as a guest in such hotel, and occupying a room therein alone or with any other person. R.S.O. 1927, c. 258, s. 1.

Register to be kept in standard hotels.

Rev. Stat. c. 294.

**2.**—(1) Any such licensee, owner or manager of a standard hotel who neglects to keep such register or to see that the particulars required by section 1 are entered therein, or who knowingly and wilfully permits any untrue statement as to the name or place of residence of the guest to be entered in the register shall be guilty of an offence and shall incur a penalty of not less than \$10 nor more than \$50, and in default of payment may be imprisoned for a period not exceeding three months.

Penalty for not keeping register properly.

(2) In addition to any other penalty, where the person committing such an offence is the licensee, or any person acting for him or with his knowledge, the license to keep the hotel, shall upon conviction of the offender, be deemed to be forfeited. R.S.O. 1927, c. 258, s. 2.

Forfeiture of license.

**3.** A person who applies for admission as a guest in any standard hotel and who registers under or represents himself as bearing some other name than his own, or who in registering or procuring admission to a standard hotel, makes any false statement as to his ordinary place of residence, shall incur a penalty of not less than \$20 nor more than \$200, and in default of payment may be imprisoned for a period not exceeding three months. R.S.O. 1927, c. 258, s. 3.

Penalty for guest registering falsely.

**4.** Every male person who procures or attempts to procure or authorizes or permits any other person to procure lodging in a standard hotel for himself and any woman whom he falsely holds out to be his wife, or of whom he falsely holds

Penalty for false registration as husband and wife.

himself out or permits himself to be represented as the husband, and every such woman, shall be guilty of an offence, and shall incur a penalty of not less than \$100 nor more than \$500, and in default of payment may be imprisoned for a period not exceeding three months. R.S.O. 1927, c. 258, s. 4.

Application  
of Rev. Stat.  
c. 136.

**5.** *The Summary Convictions Act* shall apply to prosecutions under this Act. R.S.O. 1927, c. 258, s. 5.



## CHAPTER 296.

### The Minors' Protection Act.

**1.**—(1) The keeper of a licensed billiard, pool or bagatelle room, kept directly or indirectly for hire or gain, shall not admit a child under the age of eighteen years thereto, or allow him to remain therein, without the consent of his parent or guardian. Penalty for admitting minor under eighteen.

(2) This section shall not apply to a child who is a member of the family of the keeper or his servant, or does not go to the billiard, pool or bagatelle room for the purpose of loitering or to play billiards, pool or bagatelle therein, nor where the keeper had reasonable cause to believe that such consent had been given by the parent or guardian, or that such child was not under the age of eighteen. R.S.O. 1927, c. 259, s. 1. When Act not to apply.

**2.**—(1) No person shall either directly or indirectly sell or give or furnish to a child under eighteen years of age cigarettes, cigars or tobacco in any form. Supplying tobacco to persons under 18.

(2) This section shall not apply to a sale to a child for his parent or guardian under a written request or order of the parent or guardian. R.S.O. 1927, c. 259, s. 2. Where minor purchases for parent or guardian.

**3.**—(1) Every person who contravenes the provisions of this Act shall incur a penalty of not less than \$2 nor more than \$50 recoverable under *The Summary Convictions Act*. Penalty. Rev. Stat. c. 136.

(2) A person who appears to the magistrate to be under the age named shall be deemed to be under that age unless it is proved that he is in fact over that age. R.S.O. 1927, c. 259, s. 3. Presumption as to age.

(NOTE.—See provisions of *The Theatres and Cinematographs Act*, Rev. Stat. c. 319, as to admission of children.)

## CHAPTER 297.

## The Gaming Act.

Security given in gaming transaction, given for illegal consideration.

9 Anne, c. 19, (or c. 14 in Ruffheads Ed.), s. 1, as amended by 2 Ed. VII., c. 1, s. 8.

**1.** Every agreement, note, bill, bond, confession of judgment, *cognovit actionem*, warrant of attorney to confess judgment, mortgage, or other security, or conveyance, the consideration for which, or any part of it, is money or other valuable thing won by gaming, or playing at cards, dice, tables, tennis, bowls, or other game, or by betting on the sides or hands of the players, or for reimbursing, or repaying, any money knowingly lent or advanced for such gaming, or betting, or lent, or advanced, at the time and place of such game or play, to any person so gaming, playing, or betting, or who, during such game or play, so plays, games, or bets, shall be deemed to have been made, drawn, accepted, given, or executed for an illegal consideration. R.S.O. 1927, c. 260, s. 1.

Recovery back of money paid on gaming transaction. Imp. Act 5 & 6 W. IV., c. 41, s. 2.

**2.** If any person makes, draws, gives, or executes, any note, bill, or mortgage, for any consideration which is hereinbefore declared to be illegal, and actually pays to any indorsee, holder, or assignee of such note, bill, or mortgage, the amount of the money thereby secured or any part thereof, such money shall be deemed to have been paid for and on account of the person to whom such note, bill, or mortgage was originally given, and to be a debt due and owing from such last named person to the person who paid such money, and shall accordingly be recoverable by action. R.S.O. 1927, c. 260, s. 2.

Recovery of money lost at one sitting to the extent of \$40 or more.

9 Anne, c. 19 (or c. 14 in Ruffhead's Ed.), s. 2.

**3.** Any person who, at any time or sitting, by playing at cards, dice, tables, or other game, or by betting on the sides or hands of the players, loses to any person so playing or betting, in the whole, the sum or value of \$40 or upwards, and pays or delivers the same or any part thereof, shall be at liberty, within three months thereafter, to sue for and recover the money or thing so lost and paid or delivered. R.S.O. 1927, c. 260, s. 3.

Payment of wagers not enforceable.

Imp. Act 8 & 9 V., c. 109, s. 18.

**4.** Every contract or agreement by way of gaming or wagering shall be null and void, and no suit shall be brought or maintained for recovering any sum of money or valuable thing alleged to be won upon any wager, or which has been deposited in the hands of any person to abide the event on which any wager has been made, but this section shall not apply to

Exception.

any subscription or contribution, or agreement to subscribe or contribute for or towards any plate, prize, or sum of money to be awarded to the winner of any lawful game, sport, pastime or exercise. R.S.O. 1927, c. 260, s. 4.

**5.** Any promise, express or implied, to pay any person any sum of money paid by him under or in respect of any contract or agreement rendered null and void by section 4, or to pay any sum of money by way of commission, fee, reward, or otherwise in respect of any such contract or agreement, or of any services in relation thereto or in connection therewith, shall be null and void, and no action shall be brought or maintained to recover any such sum of money. R.S.O. 1927, c. 260, s. 5.

Promises to  
repay sums  
paid under  
contract void  
by section 4.

Imp. Act 55  
& 56 V.,  
c. 9, s. 1.

## CHAPTER 298.

## The Athletic Commission Act.

Inter-  
pretation.

**1.** The expression "professional contest or exhibition of any sport or game" shall mean and include lacrosse, football, baseball, hockey, boxing and wrestling contests and any other sport or game from time to time designated by the Lieutenant-Governor in Council. R.S.O. 1927, c. 261, s. 17.

Establish-  
ment of  
commission.

**2.**—(1) There shall be established a commission to be composed of five persons appointed by the Lieutenant-Governor in Council who shall hold office during pleasure and the commission shall be a body corporate under the name of the "Ontario Athletic Commission" hereinafter called "the commission." R.S.O. 1927, c. 261, s. 1; 1935, c. 4, s. 2 (1).

Appointment  
of members  
of Assembly.

(2) Any member of the Legislative Assembly may be appointed as a member of the commission.

Administra-  
tion of Act.

(3) The administration of this Act shall be under the direction and control of the Minister of Health. 1935, c. 4, s. 2 (2).

Object of  
commission.

**3.** The object of the commission shall be to assist, promote and encourage amateur sport and recreation in schools, community centres and through associations of amateur sportsmen. R.S.O. 1927, c. 261, s. 2.

Quorum.

**4.** The majority of the members of the commission shall form a quorum. R.S.O. 1927, c. 261, s. 3.

Tenure  
of office.

**5.** The members of the commission shall hold office during pleasure, and upon a vacancy occurring owing to death, resignation or removal from office of a member, the Lieutenant-Governor in Council may appoint someone to take his place. R.S.O. 1927, c. 261, s. 4.

Chairman.

**6.**—(1) The Lieutenant-Governor in Council may from time to time appoint one of the members of the commission to be chairman of the commission.

Vice-  
chairman.

(2) In the absence of the chairman or in case of a vacancy in the office the members of the commission may elect from amongst themselves an acting chairman, who shall hold office during such absence or vacancy, and while holding office shall have and possess the like powers and shall perform the like duties as the chairman. R.S.O. 1927, c. 261, s. 5.



7.—(1) Each of the commissioners shall serve without remuneration, but shall be entitled to receive his travelling expenses and actual disbursements in transacting the business of the commission, and the Lieutenant-Governor in Council may fix a per diem allowance as a living allowance to the commissioners who are absent from home in the transaction of the business of the commission. R.S.O. 1927, c. 261, s. 6.

Commissioners to serve without pay.  
Allowance for disbursements.

(2) Notwithstanding anything in *The Legislative Assembly Act* the appointment of the chairman or of any other member of the commission if a member of the Assembly shall not be avoided by reason of the payment to him, or the acceptance by him of any allowance, expenses or disbursements under this Act, nor shall he thereby vacate or forfeit his seat or incur any other penalties imposed by the said Act for sitting and voting as a member of the Assembly. 1935, c. 4, s. 3.

Payment of member of Assembly acting on commission.  
Rev. Stat. c. 12.

8.—(1) The commission may appoint a secretary to the commission and such officers, clerks and servants as may be deemed requisite.

Secretary and staff.

(2) The salaries or other remuneration of the secretary and the other persons so appointed shall be fixed by the commission, subject to ratification by the Lieutenant-Governor in Council, and such salaries or other remuneration and the expenses of the commission shall be payable out of the funds collected by the commission as hereinafter provided. R.S.O. 1927, c. 261, s. 7.

Payment of salaries, etc.

9.—(1) For the purpose of providing a fund for the payment of the expenses of the commission and the salaries and other expenses of its officers, clerks and servants, and the general expenses incurred in carrying out the provisions of this Act, every person, corporation, association or club conducting a professional contest or exhibition of any sport or game shall pay to the commission an amount,—

Tax on gate receipts for funds of commission.

(a) not exceeding two per centum in the case of any such contest or exhibition not being a boxing contest or exhibition;

(b) not less than one per centum and not exceeding five per centum in the case of a boxing contest or exhibition;

of the gross receipts taken by such person, corporation, association or club in respect of such contest or exhibition as shall from time to time be determined by the commission with the approval of the Lieutenant-Governor in Council. 1929, c. 23, s. 13.

Fund for maintenance of commission.

(2) The amounts so received by the commission, together with all fees received for licenses and permits issued under section 10, shall be set apart by the commission and shall constitute a fund for the payment of the salaries, remuneration and expenses mentioned in subsection 1, and any portion of such funds remaining unexpended and not required to meet the charges mentioned in subsection 1 may be used by the commission for the assistance, encouragement and promotion of sport and recreation in such a way and by such means as the commission may decide.

Quarterly statement of receipts and expenditures.

(3) The commission shall furnish to the Lieutenant-Governor in Council, quarterly on the last days of January, April, July and October, a statement showing the amounts received and expended by the commission in each quarter. R.S.O. 1927, c. 261, s. 8 (2, 3).

Licenses or permits for boxing or wrestling competitions.

**10.** The commission may issue a license or permit to any person, corporation or association to hold or participate or take part in holding a professional boxing or wrestling contest or exhibition, and no such boxing or wrestling contest or exhibition shall be held or participated in except by a person, corporation or association holding such license or permit. R.S.O. 1927, c. 261, s. 9.

Conditions of licenses.

**11.** Every such license shall contain a condition that all professional boxing and wrestling contests and exhibitions conducted thereunder shall be in accordance with the rules, regulations and conditions from time to time prescribed by the commission and approved of by the Lieutenant-Governor in Council, and the license shall be revocable by the commission upon any violation thereof or whenever the continuance of such license shall be deemed by the commission contrary to public interest or not conducive to the interests of legitimate boxing and wrestling. R.S.O. 1927, c. 261, s. 10.

Penalty.

**12.** Every person, club, corporation or association who conducts or participates in conducting or holding a professional boxing or wrestling contest or exhibition without having received the license provided for in section 10, shall incur a penalty of not less than \$20, nor more than \$1,000, recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 261, s. 11.

Rev. Stat. c. 136.

Investigation of charges.

**13.—(1)** Where it is charged that a boxing or wrestling contest or exhibition conducted under a license as hereinbefore provided or any agreement, contract or undertaking entered into with respect to such boxing or wrestling contest or exhi-

bition is in violation of the rules, regulations and conditions from time to time prescribed by the commission, or that any person a party to or participating in such boxing or wrestling contest or exhibition has been guilty of any such violation or of any unsportsmanlike or unbecoming conduct to the prejudice of the interest of legitimate boxing or wrestling, the commission may hold an investigation into such charges, and for the purposes of such investigation shall possess all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act*.

Rev. Stat.  
c. 19.

(2) The commission may order that pending the disposition of the charges so made any moneys which under the terms of any contract or agreement may be payable to any employee of the person, club or association holding such boxing or wrestling contest or exhibition or to any boxer or wrestler shall be delivered to the commission and shall be impounded pending the result of the investigation, and if such charges are held by the commission to have been proven, the commission may declare the moneys impounded to be forfeited and such money shall thereupon become the property of the commission and shall be applied for the promotion of amateur athletics. R.S.O. 1927, c. 261, s. 12.

Impounding  
and forfei-  
ture of  
moneys by  
commission.

**14.**—(1) Where the Ontario Branch of the Amateur Athletic Union of Canada, or any other branch of the Amateur Athletic Union of Canada or any amateur league or body, operating in Ontario, requests the commission to cause investigation to be held into any matter which the branch, league or body considers should be investigated in the interest of amateur sport in the Province, the commission may hold such investigation or may refer the matter for investigation to a committee for investigation and report. 1930, c. 21, s. 16.

Inquiries  
by commis-  
sion.

(2) The committee may consist of a member or members of the commission or such other persons as the commission may designate.

Who may be  
appointed to  
committee.

(3) The appointment of the committee shall be in writing signed by the chairman or acting chairman of the commission.

Appoint-  
ments.

(4) The committee or commission for the purposes of such investigation may possess all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act*.

Powers of  
commission  
or com-  
mittee.

Rev. Stat.  
c. 19.

(5) Nothing in this section contained shall authorize the commission or any other body, without a request in writing from the board of reference of the Canadian Intercollegiate Athletic Union to hold an investigation or inquiry into any matter connected with the affairs of the Canadian Inter-

Power not  
to extend to  
Canadian  
Intercolle-  
giate  
Athletic  
Union.

collegiate Athletic Union or of any society, association, club or other body included in, connected with, or controlled by the said Union, or as to the standing, qualifications, conduct or discipline of the members of any such society, association, club or other body. R.S.O. 1927, c. 261, s. 13 (2-5).

Penalty.

**15.** Every person, club, corporation or association who conducts or participates in conducting or holding any professional contest or exhibition and who fails to comply with the provisions of section 9 shall in addition to the payment of the amounts provided in subsection 1 of section 9 incur a penalty of not less than \$20, nor more than \$100, recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 261, s. 14.

Rev. Stat.  
c. 136.

Audit.

**16.**—(1) The books and accounts of the commission shall be audited and checked from time to time by the Provincial Auditor or by such other auditor or auditors and at such times as the Lieutenant-Governor in Council may direct, and such auditor or auditors shall make an annual report and prepare and furnish such other statements to the Treasurer of Ontario as he shall from time to time direct or request.

Annual  
statement to  
Legislature.

(2) There shall be laid before the Assembly at the opening of each session of the Legislature or so soon thereafter as it may be obtainable, a statement containing the report of the auditor for the last preceding fiscal year and the receipts and expenditures of the commission and an account of the proceedings of the commission during the said fiscal year and such further particulars as the Lieutenant-Governor in Council shall direct. R.S.O. 1927, c. 261, s. 15.

Payment of  
amount of  
gate receipt  
tax to com-  
mission.

**17.** Every person, club, corporation or association conducting any professional contest or exhibition shall, not later than the day following such contest or exhibition, remit to the commission at its office at Toronto, by registered mail, the amount payable under the provisions of subsection 1 of section 9. R.S.O. 1927, c. 261, s. 16.

Approval of  
contracts for  
managing  
profes-  
sionals.

**18.**—(1) A contract or agreement entered into for the management of any person, to take part in a professional contest or exhibition of any sport or game, or for taking part therein shall not be valid or of any force or effect unless the same is in writing signed by the parties thereto and approved of as being fair and reasonable by certificate of the commission under the hand of its chairman, vice-chairman and secretary.

Commission  
to have sole  
jurisdiction.

(2) The decision of the commission as to granting or refusing such certificate shall be final and conclusive and shall not be open to question in any action or other proceeding in a court of law or otherwise. 1928, c. 21, s. 21.



## 7. PUBLIC HEALTH.

## CHAPTER 299.

## The Public Health Act.

## INTERPRETATION.

## 1. In this Act,—

- (a) "Communicable disease" shall mean and include any contagious or infectious disease, and shall include smallpox, chickenpox, diphtheria, scarlet fever, typhoid fever, measles, German measles, glanders, cholera, erysipelas, tuberculosis, mumps, anthrax, bubonic plague, rabies, poliomyelitis and cerebro-spinal meningitis, and any other disease which may be declared by the regulations to be a communicable disease; Interpretation.  
"Communicable disease."
- (b) "Department" shall mean the Department of Health for Ontario; "Department."
- (c) "Deputy Minister" shall mean the Deputy Minister of Health for Ontario; R.S.O. 1927, c. 262, s. 1, cls. (*a-c*). "Deputy Minister."
- (d) "Fumigation" shall mean fumigation by the use of hydrocyanic acid or cyanide compounds; "Fumigation."
- (e) "Fumigator" shall mean any person who by himself or his associates, employees, servants, assistants or agents carries on the business or occupation of the fumigation of premises; 1936, c. 51, s. 2. "Fumigator."
- (f) "Health unit" shall mean a county or two or more counties, or a municipality, or two or more municipalities forming part of a county or in two or more counties, or a municipality, or two or more municipalities in a territorial district either alone or in conjunction with a school section, or two or more school sections in unorganized territory; 1934, c. 47, s. 2 (1). "Health unit."
- (g) "House" or "household" shall include a dwelling house, lodging house, or hotel, and a students' resi- "House."  
"Household."

dence, fraternity house, or other building in which any person in attendance as a student, pupil or teacher, or employed in any capacity in or about a university, college, school or other institution of learning resides or is lodged;

- "Householder." (h) "Householder" shall include the proprietor, master, mistress, manager, housekeeper, janitor, and caretaker of a house; R.S.O. 1927, c. 262, s. 1, cls. (d, e).
- "Local board." (i) "Local board" shall mean the local board of health for any municipality or of a health unit; R.S.O. 1927, c. 262, s. 1, cl. (f); 1934, c. 47, s. 2 (2).
- "Medical officer of health." (j) "Medical officer of health" shall mean the medical officer of health of the municipality appointed under this Act, or in unorganized territory a medical officer of health appointed by the Department for a specified area;
- "Member of a household." (k) "Member of a household" shall mean a person residing, boarding or lodging in a house;
- "Minister." (l) "Minister" shall mean the Minister of Health for Ontario;
- "Municipality." (m) "Municipality" shall not include a county;
- "Occupier." (n) "Occupier" shall mean the person in occupation or having the charge, management or control of any premises, whether on his own account or as the agent of any person;
- "Owner." (o) "Owner" shall mean the person for the time being receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the same if such lands and premises were let;
- "Premises." (p) "Premises" shall mean and include any land or any building, public or private, sailing, steam or other vessel, any vehicle, steam, electric or street railway car for the conveyance of passengers or freight, any tent, van, or other structure of any kind, any mine, and any stream, lake, drain, ditch or place, open, covered or enclosed, public or private, natural or artificial, and whether maintained under statutory authority or not;
- "Regulations." (q) "Regulations" shall mean regulations made under the authority of this Act;

- (r) "Street" shall include any highway, and any public "Street." bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not. R.S.O. 1927, c. 262, s. 1, cls. (g-o).

**2.**—(1) The Lieutenant-Governor in Council may appoint <sup>Chief Inspector</sup> a duly qualified medical practitioner, of at least five years' of Health. standing, to be Chief Inspector of Health.

(2) The Chief Inspector of Health may exercise, anywhere <sup>Duties and powers.</sup> in Ontario, any of the powers conferred by this Act on medical officers of health, and he shall act, under the direction of the Minister, and shall perform such duties as may be assigned to him by the Minister or by the Deputy Minister. R.S.O. 1927, c. 262, s. 2.

**3.** It shall be the duty of the Department, and it shall have <sup>Duties and powers of Department.</sup> power to,—

- (a) make investigations and inquiries respecting the <sup>Investigations as to disease and mortality.</sup> causes of disease and mortality in Ontario or in any part thereof ;
- (b) advise the officers of the Government in regard to <sup>Advising as to sanitary matters.</sup> public health generally, and as to drainage, water supply, disposal of garbage and excreta, heating, ventilation and plumbing of premises ;
- (c) exercise a careful oversight of vaccine matter and <sup>Oversight of vaccine and serum.</sup> serum produced or offered for sale in Ontario, or manufacture the same if deemed advisable, and as far as possible prevent the sale of the same when found to be impure or inert, and see that a supply of proper vaccine matter is obtainable at all times at such vaccine farms and other places as are subject to inspection by the Department ;
- (d) determine whether the existing condition of any <sup>Determining whether nuisance exists.</sup> premises or of any street, or public place, or the method of manufacture or business process, or the disposal of sewage, trade or other waste, garbage or excrementitious matter is a nuisance or injurious to health ; R.S.O. 1927, c. 262, s. 4, cls. (a-d).
- (e) inspect all county gaols, prisons, houses of refuge, <sup>Inspection of sanitary conditions in gaols, etc.</sup> sanatoria, hospitals, sanatoria, orphanages, homes or places of refuge, charitable institutions and other public or private institutions for the safe keeping, custody or care of any person confined therein by process of law, or received or cared for therein at his own charges or by public or private charity, and see

that such institutions are kept in a proper sanitary condition and that this Act and the regulations are complied with; R.S.O. 1927, c. 262, s. 4, cl. (e); 1937, c. 65, s. 2.

Distribution  
of literature.

(f) make public distribution of sanitary literature, especially during the prevalence in any part of Ontario of any communicable disease, and pay particular attention to all matters relating to the prevention and spread of communicable diseases in such manner as the Department may deem best to control any outbreak;

Entry on  
premises and  
orders as to  
alterations  
therein.

(g) enter into and go upon any premises in the exercise of any power or the performance of any duty under this Act, and make such orders and give such directions with regard to the structural alteration of the premises or with respect to any other matter as the Department may deem advisable in the interests of the public health. R.S.O. 1927, c. 262, s. 4, cls. (f, g).

Investiga-  
tion as to  
disease and  
mortality.

4.—(1) The Minister may direct an officer of the Department to investigate the causes of any communicable disease or mortality in any part of Ontario, and the person so directed may take evidence on oath or otherwise, as he may deem expedient, and shall, for the purposes of such investigation, possess all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat.  
c. 19.

Investiga-  
tion as to  
unsanitary  
conditions  
and  
nuisances.

(2) Where it appears to the Department that any unsanitary condition or nuisance exists in a municipality, and that the local board has, on a proper representation of the facts, neglected or refused to take such measures as may remove such condition or abate such nuisance, the Minister may direct an investigation as provided by subsection 1.

Removal or  
abatement.

(3) If upon such investigation it is found that a remediable unsanitary condition or nuisance exists, the Department may direct its immediate removal or abatement by the person responsible therefor, and if such person neglects or refuses after three days' notice by the Department to remove or abate the same, may cause such removal or abatement to be made, and the treasurer of the municipality shall forthwith pay out of any money of the municipality any expenses incurred under such orders. R.S.O. 1927, c. 262, s. 5.

Medical  
officer of  
health,—  
appoint-  
ment of.

(4) Where it appears to the Department to be in the interests of the public health, the Minister may appoint the medical officer of a Government institution a medical officer of health with duties confined to the institution and to the inmates and staff thereof. 1932, c. 34, s. 2.



5. The Minister, with the approval of the Lieutenant-Governor in Council, may make such regulations as may be deemed necessary for,

Regulations.

Prevention or mitigation of disease.

Cleansing streets and premises.

Removal of nuisances, etc.

Cleansing and disinfecting premises.

Regulations as to plumbing.

Sewerage system.

Passenger traffic.

Burials.

Checking communicable diseases.

Inspection for the purpose of disinfection.

- (a) the prevention or mitigation of disease;
- (b) the frequent and effectual cleansing of streets, yards and premises;
- (c) the removal of nuisances and unsanitary conditions;
- (d) the cleansing, purifying, ventilating and disinfecting of premises by the owners and occupiers or other persons having the care or ordering thereof;
- (e) the construction, repair, renewal, alteration and inspection of plumbing, the material to be used in the construction of, and the location of drains, pipes, traps, and other works and appliances forming part of or connected with the plumbing in any building or upon any property or in any highway, street, lane or public place, and in any structure or place, whether permanent or temporary, constructed or used thereon or therein;
- (f) the location, construction, repair, renewal, alteration, and inspection of sewers, drain-pipes, manholes, gully traps, flush tanks, and other works, in or upon public, municipal or private property, forming part of or connected with any municipal sewerage system;
- (g) regulating, so far as this Legislature has jurisdiction in that behalf, the entry and departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels or from railway carriages or cars, and the receiving of passengers or cargoes on board the same, for the purpose of preventing the spread of any communicable disease;
- (h) the safe and speedy interment or disinterment of the dead, the transportation of corpses and the conduct of funerals;
- (i) the supplying of such medical aid, medicine and other articles and accommodations as the Department may deem necessary for preventing or mitigating an outbreak of any communicable disease;
- (j) the inspection of premises by the local board or medical officer of health, or some officer of the Department, and the cleansing, purifying and disinfecting of anything contained therein when required by

the local board or officer, at the expense of the owner or occupier, and for detaining for such purpose any steamboat, vessel, railway carriage or car, or public conveyance and anything contained therein and any person travelling thereby as may be necessary;

Ordering  
alteration or  
destruction.

(*k*) entering and inspecting any premises used for human habitation in any locality in which conditions exist which, in the opinion of the Department, are unsanitary, or such as to render the inhabitants specially liable to disease, and for directing the alteration or destruction of any such building which is, in the opinion of the Department, unfit for human habitation;

Preventing  
overcrowd-  
ing.

(*l*) preventing the overcrowding of premises used for human habitation by limiting the number of dwellers in such premises and the amount of air space to be allowed for each dweller therein;

Preventing  
travel by  
persons  
exposed to  
infection.

(*m*) preventing the departure of persons from infected localities and for preventing persons or conveyances from passing from one locality to another, and for detaining persons or conveyances who or which have been exposed to infection for inspection or disinfection until the danger of infection is past;

Sanitary  
inspectors.

(*n*) regulating the appointment of sanitary inspectors to be paid by the municipality in which they act for the purpose of enforcing this Act or the regulations, or any by-law in force in the municipality;

Surveillance.

(*o*) the removal or keeping under surveillance of persons living in infected localities;

Taking pos-  
session of  
premises.

(*p*) authorizing the taking possession by a municipal corporation, local board, or medical officer of health, for any of the purposes of this Act, of any land or unoccupied building;

Health and  
summer  
resorts and  
inland  
waters.

(*q*) the sanitary precautions to be taken in health resorts, summer resorts and upon boats or other vessels plying upon lakes, rivers, streams and other inland waters, and for preventing the pollution of such waters by the depositing therein of sewage, excreta, vegetable, animal or other matter or filth;

General.

(*r*) any other matter which, in the opinion of the Department, the general health of the inhabitants of Ontario or of any locality may require;

- (s) the manufacture of non-intoxicating beverages and distilled and mineral water, and the manufacture of syrups, wines and brewed beers; R.S.O. 1927, c. 262, s. 6. Manufacture of beverages.
- (t) the inspection and licensing of plants and premises for the manufacture of non-intoxicating beverages, distilled and mineral water and the manufacture of syrup, wines and brewed beer; 1932, c. 34, s. 3. Inspecting, etc., beverage plants and premises.
- (u) prescribing the duties and powers of officers designated under section 12; Duties of officers.
- (v) the medical and dental inspection of pupils in public, separate, continuation, high and vocational schools, where such inspection is undertaken by local boards under this Act, and for the apportionment and payment of all moneys appropriated or voted by this Legislature for that purpose; 1933, c. 50, s. 2. Medical and dental inspection in schools.
- (w) prescribing the terms and conditions upon which a license for fumigation may be issued, the fees payable therefor, the form and term thereof and the terms and conditions upon which any such license may be renewed, suspended and revoked; License for fumigation.
- (x) fixing the amount and type of bond or insurance which shall be furnished or carried by a fumigator and prescribing the form, requirements and terms thereof; Bond or insurance.
- (y) prescribing the procedure, methods and conditions for fumigation and prescribing the qualifications and providing for the licensing of every apprentice, employee, servant or assistant of any fumigator; Procedure for fumigation. Apprentices, etc.
- (z) the issuing of permits by the local medical officer of health for the fumigation of any premises to be fumigated and the terms upon which any such permit may be issued, suspended or revoked; Permits.
- (za) requiring every substance which is or is intended to be used for fumigation to be approved by the Minister and prescribing the conditions upon which such approval may be granted. 1936, c. 51, s. 3. Approval of substance by the Minister.

**6.** The Department may, from time to time, declare all or any of such regulations to be in force in any specified municipality or locality for such time as the Department may deem expedient. R.S.O. 1927, c. 262, s. 7. Application of regulations.

Approval  
and promul-  
gation of  
regulations.

**7.**—(1) The regulations shall be subject to the approval of the Lieutenant-Governor in Council, and shall come into force and take effect upon publication of such approval and the regulations approved in the *Ontario Gazette*.

To be laid  
before  
Assembly.

(2) Every regulation shall be laid before the Assembly forthwith if the Assembly is then in session, or if it is not then in session, within fourteen days after the commencement of the next session. R.S.O. 1927, c. 262, s. 8.

By-laws, etc.  
superseded  
by regula-  
tions.

**8.**—(1) Any order or regulation made by the Department shall, while it is in force in any locality, supersede any municipal by-law or other regulation, including the by-law set out in Schedule B, dealing with the same subject matter, and so far as any such by-law or other regulation is inconsistent with the order or regulation of the Department, such by-law or other regulation shall be deemed to be suspended.

Publication  
of regula-  
tions.

(2) Every order or regulation made by the Department shall be published in the next report issued by the Department. R.S.O. 1927, c. 262, s. 9.

Powers of  
officers of  
the Depart-  
ment.

**9.** The Deputy Minister of Health, the district officers of health, the provincial sanitary inspectors in unorganized areas and any other officer of the Department specially authorized for the purpose shall possess all the powers conferred upon a medical officer of health and the officers of a local board by this Act or by the regulations. R.S.O. 1927, c. 262, s. 10.

Health dis-  
tricts and  
district  
officers.

**10.**—(1) The Lieutenant-Governor in Council may divide the Province for the purposes of this section into not more than ten health districts, and may appoint a legally qualified medical practitioner to be known as the district officer of health for each such district.

Salaries,  
etc., of  
district  
officers  
of health.

(2) Every district officer of health shall be paid such salary as may be fixed by the Lieutenant-Governor in Council, and his actual and necessary travelling and other expenses incurred in the discharge of his duties, and such salary and expenses shall be payable out of such sums as may be appropriated by the Legislature for that purpose.

District  
officers of  
health,  
duties of.

(3)—(a) Every district officer of health shall within his district be the official representative of the Department, and subject to the approval of the Minister or the Deputy Minister, he shall have general control of statutory organization for public health.

(b) He shall further, for the promotion of public health and for the protection of the inhabitants from communicable



disease have authority, subject to the approval of the Minister to enforce the provisions of this Act and the regulations and he shall be responsible through the local medical officer of health for the enforcement of this Act and the regulations.

(c) He shall also have for the further effective carrying out of this Act and regulations all the powers and rights and authority to perform all the functions and duties of the local medical officer of health or the sanitary inspector under this Act.

(4) Whenever required so to do by the Department, a district officer of health shall have the same authority and shall perform the same duties in any part of Ontario as he might do in the district for which he is appointed. May act in other districts.

(5) Every district officer of health shall act under the supervision and control of the Department, and shall report to it at least monthly, and at such other times as may be required, and shall in such report give such information as may be required by the Department or by the regulations. To act under Department.

(6) The Department, every district officer of health and inspector, and every medical officer of health and sanitary inspector shall have authority to enforce the by-law set out in Schedule B, or any amendment thereof approved by the Department, and any by-law respecting the milk supply of, and any other by-law respecting sanitary matters in a municipality, and for such purpose may institute proceedings for the prosecution of offenders against any of the said by-laws. Enforcement of sanitary by-laws.

(7) A district officer of health shall have the authority to summon a special meeting of a local board for public health purposes. R.S.O. 1927, c. 262, s. 11. Authority to call special meeting.

(8) In territory without municipal organization, a district officer of health shall have and possess the same rights and powers and shall perform the same duties as are conferred and imposed upon the local municipal councils, local boards and local medical officers of health in the administration and enforcement of this Act, *The Vaccination Act* and *The Venereal Diseases Prevention Act*. 1931, c. 58, s. 2. Powers of district officer of health in unorganized territory. Rev. Stat. cc. 300, 301.

**11.** The Minister may establish and maintain clinical laboratory centres at such places and with such buildings, appliances and equipment as he may deem proper and may give directions from time to time as to the operation of such laboratory centres, the nature and extent of the work to be done and the supplies necessary therefor, and the cost of establishing, furnishing and maintaining any clinical laboratory under this section shall be borne and paid out of such moneys as may be Clinical laboratory centres.

appropriated from time to time by the Legislature for that purpose. 1931, c. 58, s. 3.

Designation  
of officers to  
supervise,  
etc., medical  
and dental  
work in  
schools.

**12.** The Minister may designate which officers of the Department shall inspect and supervise the work of school medical officers, dental officers and nurses appointed by boards of education, school boards or local boards of health for the purpose of medical and dental inspection in public, separate, continuation, high and vocational schools throughout Ontario, and such officers shall perform all duties required of them by the Department and by the provisions of this Act, *The Public Schools Act*, *The Separate Schools Act*, *The Department of Education Act*, or any other Act or any regulations made thereunder with respect to such medical and dental inspection. 1933, c. 50, s. 3.

Rev. Stat.  
cc. 357, 362,  
356.

#### LOCAL BOARDS OF HEALTH.

Local  
boards.

**13.**—(1) There shall be a local board of health for every municipality in Ontario, except where a health unit is established under this Act. R.S.O. 1927, c. 262, s. 12 (1); 1934, c. 47, s. 3 (1).

In cities and  
in towns of  
4,000 or  
over.

(2) In a city, and in every town having a population of 4,000 or over, according to the enumeration of the assessors for the last preceding year, the local board shall consist of the mayor, the medical officer of health, and three resident ratepayers to be appointed annually by the council at its first meeting in every year.

In towns of  
less than  
4,000,  
villages and  
townships.

(3) In a town having a population of less than 4,000, according to such enumeration, and in every other municipality, the local board shall consist of the head of the municipality, the medical officer of health, and one resident ratepayer to be appointed as provided by subsection 2.

Secretary.

(4) There shall be a secretary of the local board, and, unless otherwise provided by the council, the clerk shall be the secretary. R.S.O. 1927, c. 262, s. 12 (2-4).

Appoint-  
ment of  
member of  
council.

(5) One or more members of the council may be appointed to be members of the local board. 1930, c. 52, s. 2.

Local  
board where  
health unit  
established.

(6) Where a health unit is established, the local board thereof shall be constituted and appointed as provided by the regulations, and such local board shall take the place of the local board or boards which but for the establishment of the health unit would exist in the municipality or municipalities forming the health unit. 1934, c. 47, s. 3 (2).

**14.** Every local board shall be a corporation by the name of "The Local Board of Health of the City (*or as the case may be*) of \_\_\_\_\_" (*inserting the name of the municipality*). R.S.O. 1927, c. 262, s. 13. Corporate name.

**15.**—(1) A local board shall hold at least four meetings in each year at a time and place to be fixed by resolution of the board, and such other meetings as may be prescribed by the regulations, or be required by the board. Meetings.

(2) At the first meeting of a local board in every year, which shall be held not later than the 1st day of February, the board shall elect one of its members to be chairman. R.S.O. 1927, c. 262, s. 14. Chairman.

**16.** Any member of a local board may call a special meeting thereof at any time by giving notice in writing to the secretary and to the remaining members of the board. R.S.O. 1927, c. 262, s. 15. Special meetings.

**17.** The clerk of the municipality shall report to the Department the names and addresses of the members of the local board in each year, on or before the 1st day of February, and he shall so report any change occurring during the year in the membership of the board. R.S.O. 1927, c. 262, s. 16. Secretary to report membership of board to Department.

**18.** Whenever a vacancy occurs in any local board of a city or town by the death, resignation or removal of an appointed member the council shall, at its first meeting after such vacancy occurs, appoint a resident ratepayer to fill the same, and in default of such appointment, the Department may appoint a resident ratepayer of the municipality to fill the vacancy. R.S.O. 1927, c. 262, s. 17. Vacancies in board.

**19.** A majority of the members of a local board shall form a quorum. R.S.O. 1927, c. 262, s. 18. Quorum.

**20.** The council of a township may by by-law provide for the payment to each member of the local board and to the secretary of a sum not exceeding \$4 for every attendance at meetings of the board and his necessary travelling expenses in going to and returning from such meetings. R.S.O. 1927, c. 262, s. 19. Payment of local boards in townships.

**21.**—(1) The treasurer of the municipality shall forthwith upon demand, pay the amount of any account for services performed under the direction of the board and materials and supplies furnished, or for any expenditure incurred by the board or by the medical officer of health or sanitary inspector Payment of accounts certified by board.

in carrying out the provisions of this Act or the regulations, after the board has by resolution approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer. R.S.O. 1927, c. 262, s. 20.

Expenditures for school medical and dental inspection.

(2) The provisions of subsection 1 shall apply to payment of any expenditure incurred by a local board in providing medical and dental inspection of pupils in any school pursuant to section 91.

Rates for school purposes.

(3) The amounts of any payments made by the treasurer for the purposes mentioned in subsection 2 shall be levied and collected by a special rate on the rateable property of the supporters of the school or schools for the pupils of which medical and dental inspection is provided by the local board. 1933, c. 50, s. 4.

Recording proceedings.

**22.**—(1) The proceedings of every local board shall be recorded by the secretary in a book to be kept for that purpose.

Annual report.

(2) The secretary shall annually, on or before the 15th day of December, prepare a report of the work done by the board during the year, and of the sanitary condition of the municipality.

Report to be transmitted to Deputy Minister.

(3) The report as adopted by the local board shall include the annual report of the medical officer of health and shall be transmitted to the Deputy Minister. R.S.O. 1927, c. 262, s. 21.

Weekly report to Department.

**23.** The secretary of every local board shall report weekly to the Department the number of cases of and deaths from communicable diseases, and the number of deaths from all other causes occurring in the municipality during the preceding week, upon a form to be supplied by the Department. R.S.O. 1927, c. 262, s. 22.

Enforcing authority of local board.

**24.**—(1) Whenever a local board has authority to direct that any matter or thing shall be done by any person, the board may also, in default of its being done by the person, direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof by action in any court of competent jurisdiction, or the board may direct that the same be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes. R.S.O. 1927, c. 262, s. 23 (1).

When local board may instal sanitary conveniences.

(2) Where a local board in a city or in any town, village, police village or township bordering on or situate within ten miles of a city having a population of not less than 200,000 in



which a sewerage system has been established, recommends that sanitary conveniences or suitable connections with a water service should be installed in any building, and is of the opinion that the owner of the premises is unable or unwilling to pay the expense of the same at once, the municipality may instal suitable sanitary conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality, or may instal a water service pipe with the necessary connections to give a proper supply of water to the premises, at the expense of the owner, and the Department may direct that the cost, including interest at a rate not exceeding six per centum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and that such annual payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes. R.S.O. 1927, c. 262, s. 23 (2); 1936, c. 50, s. 2.

Payment by owner in equal annual instalments.

(3) A certificate from the clerk of the municipality setting forth the cost of the said conveniences and a description of the lands upon which the same were made shall be registered in the proper registry or land titles office against the said lands on proper proof by affidavit of the signature of the said clerk and upon payment in full of the cost of the said conveniences a like certificate from the city clerk shall be registered and the lands shall thereupon be freed from all liability with reference thereto. R.S.O. 1927, c. 262, s. 23 (3).

Registration of certificate of charges for installing sanitary conveniences.

**25.**—(1) Where an action is brought against a local board or any member, officer or employee of a local board by any person who has suffered any damage by reason of any act or default on the part of such local board or any member, officer or employee thereof, the corporation of the municipality may assume the liability or the defence of the action, and may pay any damages or costs for which such board or the member, officer or employee is liable in respect of such act or default.

Municipality may assume responsibility for board or employees.

(2) In this section the word "employee" shall not include a contractor with the local board. R.S.O. 1927, c. 262, s. 24.

But not for contractors.

**26.** It shall be the duty of a local board to superintend and see to the carrying out of the provisions of this Act and of the regulations, or of any by-law of the municipality pertaining to public health and to execute, do and provide all such acts, matters and things as are necessary for that purpose. R.S.O. 1927, c. 262, s. 25.

Duty of local board as to carrying out Act and regulations.

**27.** Where information is given in writing to the local board by any resident householder of the existence of a nuisance or

Complaints as to nuisances.

unsanitary condition in the municipality, the local board shall forthwith cause the complaint to be investigated and all necessary steps to be taken as provided by this Act or by the regulations to abate or remedy the same. R.S.O. 1927, c. 262, s. 26.

Cleansing  
and disin-  
fecting  
houses, etc.

**28.**—(1) Where a medical officer of health is of opinion that the disinfecting of any house or part thereof, or of any articles therein likely to retain infection, would tend to prevent or check any communicable disease, he shall, through the sanitary inspector or otherwise, at the cost and charge of the municipality, disinfect such house or part thereof and the articles therein contained.

Disinfect-  
ing, etc., of  
premises.

(2) The disinfecting, renovating and cleansing of houses and premises shall be carried on in accordance with the regulations. R.S.O. 1927, c. 262, s. 27.

Ambulance.

**29.** A local board may provide, maintain or hire an ambulance or carriage for the conveyance of persons suffering from disease or accident, and may pay the expense of conveying therein any person so suffering to a hospital or other place. R.S.O. 1927, c. 262, s. 28.

Disinfecting  
apparatus.

**30.** A local board may provide all necessary apparatus and attendance for the disinfection or destruction of bedding, clothing or other articles which have become infected, and may cause such articles to be disinfected free of charge or may make a reasonable charge for disinfecting them. R.S.O. 1927, c. 262, s. 29.

Destruction  
of infected  
bedding, etc.

**31.** A local board may direct the destruction of any furniture, bedding, clothing or other articles which have been exposed to infection, and may give compensation therefor. R.S.O. 1927, c. 262, s. 30.

Appeal to  
county judge  
from order  
of board.

**32.** Where the order of a local board or medical officer of health involves an expenditure of more than \$1,000, the person against whom the order is made, or any person chargeable with such expenditure or any part thereof, may, within four days after being served with a copy of such order, appeal therefrom to the judge of the county or district court who shall have power to vary or rescind the order, and any order so varied may be enforced by the Department in the same manner as an order originally made by the board or a medical officer of health. R.S.O. 1927, c. 262, s. 32.

Powers of  
Minister on  
default of  
local  
authorities.

**33.**—(1) Where a local board has not been established as required by this Act, or where a local board or any officer thereof has, in the opinion of the Minister, refused or neglected

to act with sufficient promptness or efficiency in carrying out the provisions of this Act or any order or regulation of the Department, or to take such efficient measures as might remove any unsanitary condition or abate any nuisance, the Minister may direct an officer of the Department to carry out such measures as are authorized by this Act, or by any order or regulation made thereunder.

(2) The expenses so incurred shall be certified by the Minister, and shall be a debt due by the corporation of the municipality, and upon presentation of such certificate, the treasurer of the municipality shall pay the same.

Liability for payments of expenses.

(3) The corporation of the municipality whose treasurer shall pay the expenses so incurred as provided by subsection 2, may recover the amount so paid by action in any court of competent jurisdiction against the person certified in writing by the Minister to have been in default, or the council of the corporation of the said municipality may direct the amount of such expenses to be added by the clerk of the municipality to the collector's roll and collected from the person so certified to be in default in like manner as municipal taxes. R.S.O. 1927, c. 262, s. 33.

Recovery of expenses of carrying out orders of Department.

#### MEDICAL OFFICERS OF HEALTH.

**34.**—(1) The council of every municipality shall appoint a legally qualified medical practitioner to be the medical officer of health for the municipality, and shall also appoint such number of sanitary inspectors for the municipality as may be deemed necessary by the local board, and as may be prescribed by the regulations.

Medical officers of health and sanitary inspectors.—appointment.

(2) Where the council refuses or neglects to make any of such appointments, or to fill any vacancy, the Department shall, by registered letter addressed to the clerk of the municipality, require the council to make the appointment or to fill the vacancy forthwith, and if the council continues in default for five days after the receipt of such letter, the Lieutenant-Governor in Council, upon the recommendation of the Minister, may make the appointment or fill the vacancy.

By Lieutenant-Governor in council in case of default.

(3) The council of a city having a population of 100,000 or over may appoint an assistant medical officer of health, or more than one assistant medical officer of health, who shall act under the direction of the medical officer of health, and while so acting shall have all the powers and perform the same duties as the medical officer of health.

Assistant medical officers, appointment.

Township  
may appoint  
more than  
one medical  
officer.

(4) The council of a township, with the approval of the Department may appoint for any stipulated time more than one medical officer of health for the township and may limit the territory within which each of such officers shall act, and every such medical officer of health shall, within the territory for which he is appointed, have and perform the powers and duties of a medical officer of health as set out in this Act or in any by-law passed thereunder and in force in the municipality.

Appointment  
of nurses  
and physi-  
cians by  
council or  
local board.

(5) The council of a city, town, township or village or a local board may appoint one or more public health nurses, and one or more duly qualified physicians and engage such other services as may, in the opinion of the council or local board, be required for carrying out the provisions of this or any other Act administered by the Department or the regulations made thereunder for the prevention or treatment of disease.

Appoint-  
ment of  
nurse by one  
or more  
municipali-  
ties.

(6) The council of a town, township or village, or the local board of the same may unite with the council or councils or boards of health of one or more neighbouring municipalities for the purpose of appointing, employing and paying one or more public health nurses for the promotion of the public health and the prevention or treatment of disease, and such appointments shall be eligible for grants in respect of the same as may be provided by the regulations. R.S.O. 1927, c. 262, s. 34.

Health  
unit,—  
formation  
of.

**35.**—(1) The council of a county may by by-law establish and declare the county to be a health unit, or the councils of two or more counties, or the councils of various municipalities, or of adjacent municipalities in the same county, or in different counties, or the council of a municipality or of two or more municipalities in a territorial district, either alone or in conjunction with the trustees of a school section, or the school boards of two or more school sections, may enter into an agreement in writing for the formation of a health unit.

Appoint-  
ment and  
salary of  
M.O.H.

(2) The appointment and salary of the medical officer of health for a health unit shall be as provided by the regulations and shall be subject to the approval of the Minister.

Powers and  
duties.

(3) Where a medical officer of health is appointed for a health unit, the provisions of this Act with respect to the appointment of municipal officers of health for the territory included in the health unit shall not apply and the powers and duties of a medical officer of health in any such municipality shall thenceforth be exercised and performed by the medical officer of health for the health unit.



(4) The Minister, with the approval of the Lieutenant-Governor in Council may make regulations which may be general or particular in their application,— Regulations.

- (a) respecting the establishment of a health unit;
- (b) providing for the constitution of a board of health in any health unit, fixing the number of members and defining the powers of the board;
- (c) prescribing the powers, qualifications, salary and duties of a medical officer of health in a health unit;
- (d) respecting the appointment and the tenure of office of the medical officer of health in a health unit;
- (e) apportioning any expense incurred in carrying out this section and the regulations among municipalities and school sections concerned.

(5) The expenses incurred in carrying out the provisions of this Act and the regulations made thereunder with respect to a health unit shall be borne and paid in such proportion as may be agreed upon, or in default of agreement, in such proportion as may be fixed by the Minister, or in such manner as may be prescribed by the regulations. Expenses,—  
how borne  
and paid.

(6) Subject to the regulations where a health unit is established under this Act, the Minister may grant such assistance for the establishment and maintenance of the health unit as he may deem proper and any such grant shall be payable out of any moneys appropriated by the Legislature for that purpose. Provincial  
assistance.  
1934, c. 47, s. 4.

**36.** Every sanitary inspector appointed by the council shall hold office during the pleasure of the council, and if appointed by the Lieutenant-Governor in Council shall hold office until the 1st day of February in the year following that of his appointment. Tenure of  
office.  
R.S.O. 1927, c. 262, s. 35.

**37.**—(1) Every medical officer of health appointed by the council shall hold office during good behaviour and his residence in the municipality, or in an adjoining municipality, and, if appointed by the Lieutenant-Governor in Council, shall hold office until the 1st day of February in the year following that of his appointment, and no medical officer of health shall be removed from office except on a two-thirds vote of the whole council and with the consent and approval of the Minister, who may require cause to be shown for the dismissal. Dismissal.  
R.S.O. 1927, c. 262, s. 36 (1); 1934, c. 47, s. 5.

Dismissal  
of M.O.H.  
for neglect  
of duty.

(2) A medical officer of health who refuses or neglects to carry out the provisions of this Act or the regulations, or any special order of the Department, or any by-law of the municipality relating to sanitary matters, may be dismissed from office by the Department or by the municipal corporation on the recommendation of the Department.

Annual  
inspection  
of schools  
by M.O.H.

(3) It shall be the duty of the medical officer of health to make a sanitary inspection of all schools in his municipality annually and to make a report to the Department regarding the same, using forms supplied by the Department for that purpose. R.S.O. 1927, c. 262, s. 36 (2, 3).

M.O.H. to be  
executive  
officer of  
board.

**38.** The medical officer of health shall be the executive officer of the local board, and with the local board shall be responsible for the carrying out of the provisions of this Act, and of the regulations, and of the public health or sanitary by-laws of the municipality. R.S.O. 1927, c. 262, s. 37.

Action  
against  
M.O.H.  
prohibited.

**39.** No action, prosecution or other proceeding shall be brought or be instituted against a medical officer of health for an act done in pursuance or execution or intended execution of any statutory or other public duty or authority, or in respect of any alleged neglect or default in the execution of any such duty or authority without the consent of the Minister. 1934, c. 47, s. 6.

Salaries of  
medical  
officers of  
health.

**40.** Every medical officer of health, whether appointed by the council or by the Lieutenant-Governor in Council, shall be paid by the municipal corporation a reasonable salary to be fixed by by-law, and such salary shall be his total remuneration for his services as medical officer of health. R.S.O. 1927, c. 262, s. 38.

Payment of  
sanitary  
inspectors.

**41.** Sanitary inspectors shall be paid such annual sum as may be determined by the council of the municipality. R.S.O. 1927, c. 262, s. 39.

Vacancy in  
office of  
M.O.H.

**42.**—(1) Where a vacancy occurs in the office of medical officer of health, the council shall forthwith nominate another medical officer of health in his stead who shall be approved by the Minister as hereinbefore provided.

Temporary  
absence of  
M.O.H.

(2) When the medical officer of health is absent from the Province for a protracted period, the council may, with the written approval of the Department, appoint a legally qualified medical practitioner to be acting medical officer of health during such absence, and such acting medical officer of health shall have, during the absence of the medical officer of health, all the

powers, and perform all the duties of the medical officer of health. R.S.O. 1927, c. 262, s. 40.

**43.**—(1) There shall be an annual conference of all the medical officers of health, and it shall be the duty of every medical officer of health to attend the same. Annual conference.

(2) The expenses of the attendance of each medical officer of health shall be borne by the corporation of the municipality, and shall be payable in addition to his salary on the certificate of the Deputy Minister. Expenses of attendance.

(3) The conference shall be held at such time and place as may be determined by the Department. R.S.O. 1927, c. 262, s. 41. Time and place of holding.

#### ISOLATION HOSPITALS.

**44.**—(1) The corporation of a municipality may establish, erect and maintain one or more isolation hospitals for the reception and care of persons suffering from any communicable disease. Establishment.

(2) The corporations of two or more adjacent municipalities may join in establishing, erecting and maintaining such a hospital. Municipalities may join in establishing.

(3) A corporation may borrow money by the issue of debentures for the purposes mentioned in subsection 1 or 2, and it shall not be necessary to obtain the assent of the electors to any by-law for raising money for such purpose. Issue of debentures.

(4) Debentures issued under this section shall be payable within twenty years from the date of the issue thereof. When payable.

(5) Any such hospital may be established in a municipality or in one of the municipalities providing for the same or in an adjoining municipality. Where to be established.

(6) The powers conferred by this section shall be subject to the provisions of sections 45 to 49, but an isolation hospital shall not be established, maintained or kept by a municipal corporation upon lands in another municipality which were selected, purchased or contracted for, or upon which the corporation had secured an option before the 1st day of January, 1912, and upon which an isolation hospital had not before that date been erected, without the consent of the council of the municipality in which such lands are situate, and unless consent had been obtained before the 16th day of May, 1912, such land shall not be used for that purpose. R.S.O. 1927, c. 262, s. 42. Subject to sections 45 to 49.

Permission  
for estab-  
lishment of  
isolation  
hospitals  
and con-  
sumption  
hospitals.

Rev. Stat.  
c. 395.

**45.** No such isolation hospital and, except as provided by *The Sanatoria for Consumptives Act*, no sanatorium, institution or place for the reception, care, or treatment of persons suffering from consumption or tuberculosis shall be established or maintained or kept within the limits of any municipality without permission to be given in the manner hereinafter provided. R.S.O. 1927, c. 262, s. 43.

Application  
to local  
board.

**46.**—(1) Every municipal corporation and every person desiring to establish, maintain or keep any such isolation hospital, sanatorium, institution or place in a municipality, shall make application in writing to the local board of health of such municipality for permission to do so.

Notice of  
meeting.

(2) The local board shall give notice of the application and of the meeting at which the same will be considered by advertisement once a week for two successive weeks in a newspaper published in the municipality or, if there is no such newspaper, in a newspaper published in an adjoining municipality.

Considera-  
tion of appli-  
cation.

Notice.

(3) The local board shall take such application into consideration at its next general meeting after the last publication of such notice, or at a special meeting to be called for the purpose within one month after that date.

Hearing and  
decision.

(4) The local board shall hear the applicant for such permission in person or by counsel, and shall hear any person opposed to the granting of such permission, and shall within one month thereafter determine by resolution of the board whether or not such application shall be granted.

Refusal of  
permission.

Appeal.

(5) If the local board determines not to grant such permission notice in writing of its decision shall forthwith be given to the applicant by registered letter, and the applicant may appeal from such decision to a board of appeal to be composed of the head of the municipality, the sheriff of the county or district in which the municipality is situate, and the Deputy Minister.

Notice of  
appeal.

(6) The appeal shall be by notice in writing addressed to the Deputy Minister, and sent by registered post to him within seven days after the receipt of notice of the decision of the local board.

Notice of  
hearing of  
appeal.

(7) The Deputy Minister shall appoint a time and place for the consideration of the appeal, and at least seven days' notice of the time and place of hearing the appeal shall be given by registered letter addressed to the secretary of the local board and to the applicant, and by advertisement in a newspaper published in the municipality in which it is sought to establish such hospital, sanatorium, institution or place of reception, or, if



there is no such newspaper, in a newspaper published in the county or district town of the county or district in which such municipality is situate.

(8) The board of appeal shall hold a sitting at such time and place and shall hear what may be alleged for and against such appeal on behalf of the applicant and the local board of health or any ratepayer of the municipality who may object to the granting of such permission.

(9) The board of appeal may adjourn the proceedings for the purpose of visiting any building or proposed site and determining upon its suitability or procuring such further information as the board may deem necessary.

(10) The decision of the board of appeal or a majority of the members thereof shall be given in writing and shall be final.

(11) Each of the members of the board of appeal shall be entitled to a fee of \$10 per day for each day during which he is necessarily engaged in connection with the appeal and reasonable and necessary expenses, and the same and any other costs and expenses incurred in hearing the appeal shall be payable by the appellant upon the written order of the Minister to the persons entitled thereto.

(12) Nothing in this section or in section 45 contained shall apply to any public general hospital in which persons suffering from other diseases as well as persons suffering from consumption or tuberculosis are received and treated. R.S.O. 1927, c. 262, s. 44.

**47.** Every person who erects, establishes or maintains any such isolation hospital, sanatorium, institution or place, or who takes part in the superintendence or management thereof, until permission has been given as provided by section 46, shall incur a penalty not exceeding \$25 for every day on which such offence is continued. R.S.O. 1927, c. 262, s. 45.

**48.—**(1) No isolation hospital shall be established by the corporation of any municipality until the plans and the proposed equipment thereof shall have been submitted to and approved by the Department.

(2) Every municipal corporation establishing such an isolation hospital shall from time to time make such alterations therein and such changes or improvement in the equipment thereof as may be directed by the Department. R.S.O. 1927, c. 262, s. 46.

Control of  
isolation  
hospital.

**49.** Subject to the regulations the local board of the municipality, by the corporation of which an isolation hospital is established, shall have the management and control of it, and of the conduct of the physicians, nurses, attendants and patients. R.S.O. 1927, c. 262, s. 47.

#### EMERGENCY HOSPITALS.

Temporary  
emergency  
hospitals in  
case of out-  
break of  
disease.

**50.** Where any communicable disease, to which this section is by the regulations made applicable, becomes prevalent in a municipality, and the municipal corporation has not already provided proper hospital accommodation for such cases, the local board shall immediately provide, at the cost of such corporation, such a temporary hospital, hospital tent, or other place or places of reception for the sick and infected as may be deemed best for their accommodation and the safety of the inhabitants, and for that purpose may,—

- (a) erect such hospital, hospital tent, or place of reception;
  - (b) contract for the use of any existing hospital, hospital tent, or place of reception; or
  - (c) enter into an agreement with any person having the management of any such hospital, subject to the approval of the medical officer of health of the local municipality in which such hospital is situate, for the reception and care of persons suffering from such communicable disease, and for the payment of such remuneration therefor as may be agreed upon.
- R.S.O. 1927, c. 262, s. 48; 1937, c. 65, s. 3.

#### ACQUIRING LAND.

Occupying  
land in case  
of emer-  
gency.

**51.—(1)** Where an outbreak of any of the diseases, to which section 50 applies, occurs or is apprehended, the local board may enter upon and take and use for the purposes mentioned in that section any land or unoccupied building without prior agreement with the owner of the same and without his consent, and may retain the same for such period as may appear to the board to be necessary.

Notice to  
clerk of  
local muni-  
cipality.

(2) Written notice, Schedule A, shall within five days after the taking or obtaining possession, be given by the board to the clerk of the municipality wherein the land or unoccupied building is situate, and such notice shall be given whether possession is taken or obtained with the consent of the owner or otherwise.

(3) Where possession is taken without the consent of the owner, the board shall, within five days after taking possession, give the like notice to the owner.

Notice to owner where not a consenting party.

(4) If the owner is not known, or is not a resident in Ontario, or if his residence is unknown to the board, the board shall cause the notice to be published in two successive issues of some local newspaper having a circulation within the municipality where the property is situate, and shall send by registered post to the last known address, if any, of the owner a copy of the notice, and such publication shall be sufficient notice to the owner.

Where owner or his address is unknown.

(5) The owner shall be entitled to compensation from the corporation of the municipality wherein the land or building is situate, for the use and occupation thereof, including any damages arising from such use and occupation, such compensation to be agreed upon between the council of the municipality and the owner, and in case they do not agree, the judge of the county or district court of the county or district in which the property is situate shall summarily determine the amount of the compensation, and the terms of payment, in such manner and after giving such notice as he sees fit.

Compensation.

**52.** Where any resistance or forcible opposition is offered or apprehended to possession being taken of the land or building, the judge of the county or district court may, without notice to any person, issue his warrant to the sheriff of the county or district, or to any other person, as he may deem most suitable, requiring him to put and maintain the board, its agents or servants in possession, and to put down such resistance or opposition, which the sheriff or other person, taking with him sufficient assistance, shall accordingly do.

Order for possession.

R.S.O. 1927, c. 262, s. 50.

#### MEDICAL CARE OF INDIGENTS.

**53.**—(1) The corporation of every municipality shall enter into an agreement with the medical officer of health or some other legally qualified medical practitioner resident in the municipality or in a municipality adjacent thereto for his medical attendance upon and care of persons suffering from the result of injury or disease who, in the opinion of the head of the municipality or of its relief officer, if any, are unable through poverty to pay for the necessary attendance, and who are not cared for in a public or private hospital.

Municipal corporation to provide for medical attendance for indigent persons.

(2) This section shall not impose any duty on the medical officer of health in respect to such cases, unless an agreement has been entered into with him, as provided in subsection 1.

M.O.H. need not act unless remunerated.

In absence  
of agreement  
M.O.H. to  
be deemed  
indigent  
M.O.H.

(3) Failing the making of any other agreement the medical officer of health shall be deemed to be indigent medical officer of health for the municipality and shall be remunerated for his service as indigent medical officer, according to the provisions of subsection 2.

Agreement  
to provide  
for remun-  
eration.

(4) Every such agreement shall provide for fair and reasonable remuneration for the service rendered. R.S.O. 1927, c. 262, s. 51.

Disputes as  
to remuner-  
ation of  
M.O.H.—  
application  
to county  
judge.

**54.**—(1) Where a medical officer of health claims that the salary paid to him by a municipal corporation or the remuneration provided for under section 53 is not fair and reasonable, and gives notice of such claim in writing, signed by him, to the clerk of the municipal corporation, and the council of the corporation neglects to comply with such demand, or directs the serving upon the medical officer of health of a notice disputing such a claim, the medical officer of health, after the expiration of ten days from the receipt of such claim by the clerk of such corporation, may apply in a summary manner to the judge of the county or district court of the county or district within which the municipality lies, for an order allowing his claim and fixing the amount payable to him as salary under section 40 or as remuneration under section 53, and upon such application the judge shall hear the parties and their witnesses and shall make such order as he may deem just, and in and by such order shall settle and determine the salary properly payable to such medical officer of health, and a fair and reasonable remuneration under section 53.

Time for  
making  
application.

(2) If such application is not made by the medical officer of health within thirty days after receiving notice from the corporation disputing his claim, he shall be deemed to have abandoned the same.

Powers of  
judge.

(3) The judge, upon the application, shall take into consideration all the circumstances of the case, and amongst other matters the physical extent, population and assessment of the municipality.

Application  
of Rev. Stat.  
c. 123.

(4) *The Judges' Orders Enforcement Act* shall apply to every application or order made under this section. R.S.O. 1927, c. 262, s. 52.

#### PROVISIONS AS TO COMMUNICABLE DISEASE.

Communi-  
cable  
diseases.  
Notice by  
householder.

**55.**—(1) Whenever any householder knows or has reason to suspect that any person within his family or household, or boarding or lodging with him, has any communicable dis-



ease, he shall, within twelve hours, give notice thereof to the secretary of the local board or to the medical officer of health.

(2) The notice may be given to the secretary or to the medical officer of health at his office, or by letter addressed to either of them and mailed within the time above specified, and the secretary of the local board shall forthwith transmit to the medical officer of health notice of each case of communicable disease reported to him. How given.

(3) Every such notice filed with the medical officer of health shall be transmitted forthwith by him to the secretary of the local board of health, and shall be included in the weekly report required to be sent to the Department under section 23. Notice of communicable disease to be included in weekly report.  
R.S.O. 1927, c. 262, s. 53.

**56.**—(1) No householder, in whose dwelling there occurs any communicable disease, shall permit any person suffering from or exposed to such disease to leave, or any clothing or other property to be removed from his house without the consent of the medical officer of health, who may forbid such removal or prescribe the conditions thereof. R.S.O. 1927, c. 262, s. 54 (1). Removal of person or clothing prohibited.

(2) Milk bottles and other containers used in the delivery of milk and which may be used again for the same or any other purpose shall not be returned from or taken away from any premises under quarantine for any communicable disease until the quarantine shall have been raised and they shall then be removed in such manner as the medical officer of health may direct and before being refilled or used for any other purpose, they shall be disinfected by live steam in such manner as the regulations may require. 1931, c. 58, s. 5. Milk containers—disinfection of, in case of communicable disease.

(3) Every person in a house when a communicable disease exists therein, and every person who during the period of quarantine enters such house, shall be deemed to be exposed to the disease. Who to be deemed exposed to disease.

(4) It shall be the duty of every physician, medical officer of health, superintendent of a hospital, nurse, midwife, and everyone in charge of a maternity hospital, every householder, and everyone in charge of a child, to see that such requirements as may be prescribed by this Act or by the regulations are duly complied with in respect of ophthalmia neonatorum, trachoma, inflammation of the eyes of the newborn, or other communicable diseases of the eyes. R.S.O. 1927, c. 262, s. 54 (2, 3). Communicable diseases of the eyes.

Maternity cases,—  
duty as to  
reporting  
death of  
mother.

(5) It shall be the duty of every physician, medical officer of health, superintendent of a hospital, nurse, midwife or other person in charge of a maternity case in which the death of a mother takes place from causes directly or indirectly associated with pregnancy or parturition forthwith to report such death and the causes thereof according to the regulations. 1934, c. 47, s. 7.

Report by  
physician.

**57.**—(1) Whenever any legally qualified medical practitioner knows, or has reason to suspect, that any person whom he is called upon to visit is infected with any communicable disease, he shall within twelve hours give notice thereof to the medical officer of health of the municipality in which such diseased person is.

Superintendents of  
hospitals,  
etc.

(2) This section shall apply to the medical superintendent or person in charge of any general or other hospital in which there is known to him to be a patient suffering from any communicable disease. R.S.O. 1927, c. 262, s. 55.

Reporting communi-  
cable  
disease.  
Rev. Stat.  
c. 229.

(3) The provisions of subsection 1 shall apply to any person registered and practising as a drugless practitioner under the authority of *The Drugless Practitioners Act*. 1928, c. 45, s. 2.

Precautions  
against  
spread of  
infection.

**58.**—(1) Where any communicable disease is found or suspected to exist in any municipality, the medical officer of health and local board shall use all possible care to prevent the spread of infection or contagion by such means as in their judgment is most effective for the public safety.

Closing  
schools,  
churches,  
etc.

(2) The medical officer of health or local board, when it is considered necessary to prevent the spread of any communicable disease, may direct that any school or seminary of learning, or any church or public hall or other place used for public gatherings or entertainment in the municipality shall be closed, and may prohibit all public assemblies in the municipality, and no such school, seminary, church, hall or public place shall be kept open after such direction for the admission of the public, nor be re-opened without the permission of the medical officer of health. R.S.O. 1927, c. 262, s. 56.

Isolation of  
patient.

**59.** Where by the regulations the provisions of this section are made applicable in respect of any communicable disease, the medical officer of health or the local board shall as required by the regulations, isolate persons having such disease, persons who are or may be contacts therewith and persons who are or may be carriers thereof, and shall forthwith and as provided by the regulations quarantine the house or premises in which such disease exists or in which such persons are isolated. 1934, c. 47, s. 8.

**60.**—(1) If any person coming from abroad, or residing in any municipality within Ontario, is infected, or has recently been infected with, or exposed to, any communicable disease to which this section is by the regulations made applicable, the medical officer of health or local board shall make effective provision for the public safety by removing such person to a separate house, or by otherwise isolating him, and by providing medical attendance, medicine, nurses and other assistance and necessities for him. Isolation of infected persons.

(2) The corporation of the municipality shall be entitled to recover from such person the amount expended in providing such medical attendance, medicine, nurses and other assistance and necessities for him, but not the expenditure incurred in providing a separate house or in otherwise isolating him. R.S.O. 1927, c. 262, s. 58. Recovery of expenses.

**61.** Where, owing to the refusal or neglect of the medical officer of health, the local board or the corporation of any municipality, any communicable disease is brought into another municipality, the corporation of which incurs expense in preventing the spread of such communicable disease, the corporation of the municipality in default shall pay to the corporation of the municipality incurring such expense the whole amount thereof, and the same shall be recoverable as a debt in any court of competent jurisdiction. R.S.O. 1927, c. 262, s. 59. Recovery of expense incurred through neglect or refusal to carry out Act.

**62.** No person suffering from any communicable disease, to which this section is by the regulations made applicable, shall be removed at any time except by permission and under direction of the medical officer of health, nor shall any occupant of any house in which there exists any such communicable disease change his residence to any other place without the consent of the medical officer of health, or without complying with such conditions as he may prescribe. R.S.O. 1927, c. 262, s. 60. Removal of patients.

**63.** The medical officer of health, or a legally qualified medical practitioner appointed by him in writing for that purpose, may enter in and upon any house, out-house or premises, in the day time, for the purpose of making inquiry and examination with respect to the state of health of any person therein, and cause any person found therein, who is infected with any communicable disease, to be removed to a hospital or some other proper place. R.S.O. 1927, c. 262, s. 61. Power to enter premises.

**64.**—(1) Where there is any reason to suspect that any person suffering from a communicable disease to which this section is by the regulations made applicable, is in or upon any Entering and disinfecting public conveyances.

railway car, street railway car, steamboat, vessel, stage, or other conveyance, the medical officer of health or sanitary inspector of the municipality, or any member of the local board, may enter such conveyance and cause such person to be removed therefrom, and may detain the conveyance until it is properly disinfected, or such officer or member may, if he thinks fit, remain on, or in, or re-enter and remain on or in such conveyance, with any assistance he may require, for the purpose of disinfecting it, and his authority shall continue in respect of such person and conveyance notwithstanding that the conveyance is taken into another municipality.

Payment by  
owner of  
conveyance.

(2) The expense incurred for medical attendance, care, nursing, maintenance and all costs for disinfection shall be paid by the owner of the conveyance in which such person is found.

Authority  
given by  
Depart-  
ment.

(3) Any legally qualified medical practitioner or sanitary inspector authorized by the Department shall have the same authority as a medical officer of health under this section. R.S.O. 1927, c. 262, s. 62.

Removal of  
persons from  
unsanitary  
dwellings.

**65.** Where any communicable disease is reported or discovered in a dwelling house or out-house occupied as a dwelling, and such house or out-house is in a filthy and neglected state, the medical officer of health may, at the expense of the corporation of the municipality, compel the inhabitants of such dwelling house or out-house to remove therefrom, and may place them in sheds or tents, or other proper shelter, in some more suitable situation, until measures can be taken, under the direction and at the expense of the municipal corporation, for the immediate cleansing, ventilation, purification and disinfection of such dwelling house or out-house. R.S.O. 1927, c. 262, s. 63.

Patients and  
nurses.

Precautions  
as to  
disinfection.

**66.** No person recovering from any communicable disease, to which this section is by the regulations made applicable, and no nurse who has been in attendance on any such person, shall leave the premises or expose himself in any public place, street, shop, inn or public conveyance until he has received from the medical officer of health a certificate that in his opinion such person or nurse has taken such precautions as to his person, clothing and all other things which he proposes to bring from the premises as are necessary to insure the immunity from infection of other persons with whom such person or nurse may come in contact. R.S.O. 1927, c. 262, s. 64.

Measures  
prescribed  
by Depart-  
ment.

**67.** Every such person and nurse shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been



exposed to infection, such measures as may be prescribed by the regulations or by the medical officer of health. R.S.O. 1927, c. 262, s. 65.

**68.** No person suffering from or having recently recovered from any communicable disease, to which this section is by the regulations made applicable, shall mingle with the general public, and no person having access to any such person, except the attending physician and clergyman, shall do so, until such sanitary precautions as may be prescribed by the medical officer of health have been complied with. R.S.O. 1927, c. 262, s. 66.

Sanitary precautions before mingling with public.

**69.**—(1) No person suffering from, or having recently recovered from any communicable disease, to which this section is by the regulations made applicable, shall expose himself, nor shall any person expose any one under his charge, who is so suffering from any such disease, in any railway car, street railway car, steamboat, vessel, stage or other conveyance, without having previously notified the owner or person in charge of such conveyance of the fact of his having such disease.

Notice to be given before using public conveyance.

(2) The owner or person in charge of any such conveyance shall not, after the entry of any infected person into his conveyance, allow any other person to enter it, without having sufficiently disinfected it under the direction of the medical officer of health or sanitary inspector. R.S.O. 1927, c. 262, s. 67.

Conveyance to be disinfected.

**70.** No person shall give, lend, transmit, sell or expose any bedding, clothing, or other article likely to convey any communicable disease, without having first taken such precautions as the medical officer of health may direct for removing all danger of communicating such disease to others. R.S.O. 1927, c. 262, s. 68.

Bedding, clothing, etc.

**71.** No person shall let or hire, or permit to be occupied, any house or room in a house in which any communicable disease has recently existed without having caused the house and premises used in connection therewith to be disinfected to the satisfaction of the medical officer of health, and, for the purpose of this section, the keeper of an inn or house for the reception of lodgers shall be deemed to let for hire part of a house to any person admitted as a guest into such inn or house. R.S.O. 1927, c. 262, s. 69.

Disinfection of houses, etc.

**72.** No person letting for hire, or showing for the purpose of letting for hire any house or part of a house, on being questioned by any person, negotiating for the hire of such

False statements of persons renting or showing houses,

house, or part of a house, as to the fact of there previously having been therein any person, animal or thing suffering from or liable to be infected by any communicable disease, shall knowingly make a false answer to such question. R.S.O. 1927, c. 262, s. 70.

Transportation of infected persons.

**73.**—(1) No common carrier shall knowingly accept for transportation or carry within Ontario, except under and subject to the regulations, any person suffering from any communicable disease, to which this section is by the regulations made applicable, or any infected article or articles of clothing, bedding or other property whatsoever.

Corpses.

(2) No carrier shall knowingly accept for transportation or carry within Ontario the body of any person who has died of any communicable disease, except under and subject to the regulations.

Penalty.

(3) Every person contravening the provisions of this section shall incur a penalty of \$100. R.S.O. 1927, c. 262, s. 71.

School attendance from houses in which communicable disease exists.

**74.**—(1) Whenever a communicable disease exists in any house or household in which there is a person who is a student or pupil in, or a teacher, or other person employed in any capacity in or about a university, college, school or other institution of learning, the householder shall, within twelve hours after the time such disease is known to exist, notify the principal, superintendent, head teacher or other person in charge of such institution, and also the medical officer of health, of the existence of such disease, and the person suffering therefrom shall not attend or be employed at such institution until a certificate has been obtained from the medical officer of health that he may safely do so.

Duty of local board and teacher.

(2) Whenever a local board, or any of its officers or members, are aware of the existence in any house of any communicable disease, they shall at once notify the principal, superintendent, head teacher or other person in charge of any university, college, school or other institution of learning at which any member of the household is in attendance, either as a student or pupil, or in or about which he is employed as a teacher, or in any other capacity, and none of such last mentioned persons shall after such notice be permitted to attend, or be employed or be in or about such institution, until the certificate mentioned in subsection 1 is obtained and presented.

Teacher to give notice of cases of communicable disease.

(3) Whenever a professor, lecturer, instructor or teacher in any such institution of learning has reason to suspect that any other professor, lecturer, instructor or teacher in, or any student or pupil of, or any person employed in or about, such

institution, is suffering from a communicable disease, or that there exists in any household of which he is a member any communicable disease, such first mentioned person shall notify the medical officer of health thereof, and shall not permit the attendance of the person suffering from such disease if under his direction or control until the medical officer of health certifies that such attendance may be safely allowed.

(4) No student or pupil having suffered from a communicable disease shall be allowed to attend any such institution of learning within the minimum period prescribed by the regulations. Pupil not to attend within minimum time fixed by regulations.

(5) Whenever a communicable disease exists in any boarding school or other institution in which pupils are received for tuition, and boarded or lodged, the head of the institution, or the person in charge thereof, shall immediately isolate the person suffering from such disease and any person in attendance upon him, and, within twelve hours after the disease is known to exist, shall notify the medical officer of health, and shall not permit the person so suffering or any person in attendance upon him to mingle with the other pupils or inmates of the institution until the medical officer of health has certified that he may safely do so. R.S.O. 1927, c. 262, s. 72. Boarding schools.

#### FUMIGATION.

**75.**—(1) No person other than a fumigator licensed under the regulations shall be engaged in or perform any fumigation of premises anywhere in Ontario, except by permission in writing granted by the Minister. No fumigation without a license.

(2) No fumigator shall be engaged in or perform the fumigation of any premises except under and according to the terms of a permit issued under the authority of the regulations for such premises. No fumigation without a permit.

(3) Every licensed fumigator shall with respect to the fumigation of any premises be responsible for the acts or omissions of his employees, servants or agents in respect of such premises. 1936, c. 51, s. 4, *part*. Fumigator responsible for employees, etc.

**76.**—(1) Subject to the approval of the Minister, every municipality shall have authority to enact by-laws respecting fumigation not inconsistent with the provisions of this Act and the regulations and notwithstanding the provisions of clause *d* of section 1, such by-laws may be made to apply to the fumigation of premises irrespective of the type of compound or agent used. 1936, c. 51, s. 4, *part*; 1937, c. 65, s. 4. Municipal by-laws.

Fee for  
permit.

(2) Any municipality may by by-law require that a fee of \$1 shall be payable to the municipality and collected by the medical officer of health for every permit for fumigation issued under this Act and the regulations, and for the purpose of administering and enforcing the provisions of this Act, the regulations and any by-law relating to the fumigation of premises, the council of every municipality shall appoint such inspectors as the Minister may deem necessary, provided that if any such municipality fails to comply with the provisions of this section the Lieutenant-Governor in Council may make such appointments and all inspectors so appointed shall be paid by the municipality such remuneration as the Lieutenant-Governor in Council may determine. 1936, c. 51, s. 4, *part*.

Inspectors.

Fumigator  
to give  
twenty-four  
hours'  
notice.

**77.**—(1) At least twenty-four hours before commencing fumigation operations, the fumigator shall deliver a notice in writing to every adult person residing in the premises to be fumigated and at least one adult person residing in each of the following premises,—

- (a) buildings adjoining the buildings to be fumigated; and
- (b) premises which form part of an apartment building or semi-detached house of which the premises to be fumigated form a part; and
- (c) premises so located that the fumigation of the premises to be fumigated constitutes an actual or potential hazard to the occupants of premises so located.

Form of  
notice.

(2) Every such notice shall state there is danger that a poisonous gas which is to be used in fumigation operations may enter adjoining premises and shall indicate what premises are to be fumigated, the date and day of the week of such fumigation, the hour at which fumigation operations are intended to be commenced and the approximate time during which the occupants of all such premises are required to absent themselves therefrom.

Occupants  
must  
vacate.

(3) All occupants of such premises shall vacate and remain out of the premises during the entire period of fumigation and airing-out and it shall be the duty of the fumigator to inform the occupants when it is safe to re-enter the premises.

Police  
protection.

(4) Every police officer, constable and other person appointed under the provisions of any Act of this Legislature for the preservation and maintenance of the public peace is empowered to remove any person from any of the buildings and premises mentioned in subsection 1 upon being satisfied that the provisions of the said subsection have been complied



with and in order to effect such removal may use such force as is reasonably necessary.

(5) The fumigator shall see that all such premises are thoroughly aired out before re-occupancy. 1936, c. 51, s. 4, *part*. Premises to be aired out.

(NOTE.—See section 5 as to power of Minister to make regulations with respect to fumigation.)

#### NUISANCES.

##### *Removal, Abatement, etc.*

**78.** Any condition existing in any locality which is or may become injurious or dangerous to health or prevent or hinder in any manner the suppression of disease shall be deemed a nuisance within the meaning of this Act. R.S.O. 1927, c. 262, s. 73. Nuisances, what to be deemed.

**79.** Without restricting the general application of section 78 and for greater particularity it is declared that the following shall be deemed nuisances within the meaning of this Act: Particular nuisances.

- (a) Any premises or part thereof so constructed or in such a state as to be injurious or dangerous to health; Premises in dangerous condition.
- (b) Any street, pool, ditch, gutter, water-course, sink, cistern, water or earth closet, privy, urinal, cesspool, drain, dung pit or ash pit, so foul or in such a state, or so situated as to be injurious or dangerous to health; Streets, pits, etc., in dangerous condition.
- (c) Any well, spring or other water supply injurious or dangerous to health; Water supply.
- (d) Any stable, byre or other building in which animals are kept in such a manner or in such numbers as to be injurious or dangerous to health; Stables, byres, etc.
- (e) Any accumulation or deposit of refuse, wherever situate, which is injurious or dangerous to health; Accumulations of refuse.
- (f) Any deposit of offensive matter, refuse, offal or manure contained in uncovered trucks or waggons at any station or siding or elsewhere so as to be injurious or dangerous to health; Offensive matter in uncovered trucks or waggons.
- (g) Any work, manufactory, trade or business so situated as to be injurious or dangerous to health; Trades situated so as to be dangerous.
- (h) Any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates or in which insufficient air space is allowed for each inmate to comply with the regulations; Overcrowded houses.

Defective drainage or ventilation or overcrowding in schools and factories.

- (i) Any school house, public or private, factory, shop or other building, which is not in a cleanly state or free from effluvia arising from any drain, privy, water or earth closet, urinal or other nuisance, or is not ventilated in such a manner as to render harmless so far as practicable any gases, vapours, dust or other impurities generated therein which are injurious or dangerous to health, or is so overcrowded as to be injurious or dangerous to the health of those employed or being therein;

Smoke from furnaces.

- (j) Any fireplace or furnace the fires of which do not, so far as practicable, consume the smoke arising from the combustible matter used therein for working engines, or used in any mill, factory, dye-house, brewery, bakehouse or gas works, or in any manufacturing or trade process whatever;

From chimneys.

- (k) Any chimney emitting smoke in such quantity as to be injurious or dangerous to health;

Offensive or dangerous burying grounds.

- (l) Any burial ground, cemetery or other place of sepulture so located or so crowded or otherwise so arranged or managed as to be offensive or injurious or dangerous to health. R.S.O. 1927, c. 262, s. 74.

Inspection of municipality.

**80.** The medical officer of health of any municipality, or any inspector or other person in the employ of the local board acting under his instructions, or any member of a local board may enter, inspect and examine at any time of the day or night, as often as he thinks necessary, any premises within the municipality for the purpose of carrying out the provisions of this Act, and may take such action as he deems necessary for carrying out the said provisions, and any person in charge of such premises for the time being shall render such aid to the medical officer of health or other person as may be necessary to make such inspection or examination. R.S.O. 1927, c. 262, s. 75.

Duty of medical health officer.

**81.**—(1) Every medical officer of health shall see that the municipality or location for which he is appointed is regularly inspected in order to prevent nuisances or to abate any existing nuisance.

Order for cleansing.

(2) If upon such examination he finds any premises in a filthy or unclean state, or that any matter or thing is there which, in his opinion, may endanger the public health, he may order the owner or occupant of the premises to cleanse the same, and to remove or destroy what is so found therein. R.S.O. 1927, c. 262, s. 76.

**82.** Where the owner of any premises wherein a nuisance exists is unknown or does not reside in the municipality, and the premises are unoccupied or the occupant is unable to remove the nuisance, the medical officer of health or the local board may, without previous notice, immediately cause the nuisance to be abated. R.S.O. 1927, c. 262, s. 77.

Where owner unknown or non-resident.

**83.** Where under the provisions of this Act, or of the regulations, or of any municipal by-law, a local board or any medical officer of health or sanitary inspector removes anything which is likely to be injurious to or to become or cause or is a nuisance, such thing shall be subject to the disposition of the local board, or, if the officer is acting under a by-law of a municipal council, shall be subject to the disposition of the council, and the owner of such thing shall have no claim in respect thereof. R.S.O. 1927, c. 262, s. 78.

Disposition of articles removed.

Owner to have no claims.

**84.**—(1) Wherever the local board or medical officer of health is satisfied of the existence of a nuisance, the medical officer of health shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from which the same arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose.

Service of notice requiring abatement of nuisance.

(2) Where the nuisance arises from the want or the defective construction of any structural convenience, or where there is no occupier of the premises, notice shall be served on the owner.

Service on owner when required.

(3) Where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act or default of the owner or occupier of the premises, and it is therefore improper that such owner or occupier should be required to abate it, the local board shall abate the nuisance at the expense of the corporation of the municipality. R.S.O. 1927, c. 262, s. 79.

Where owner and occupant not in fault.

**85.** Where a nuisance appears to be wholly or partially caused by some act or default committed or taking place without the municipality, the local board of the municipality affected thereby shall cause an inspection to be made, and when necessary shall take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part any proceedings in relation to nuisances by this Act authorized with the same incidents and consequences as if such act or default were committed or took place wholly within its jurisdiction. R.S.O. 1927, c. 262, s. 80.

Where cause of nuisance out of municipality.

Where consideration of difficulty involved.

**86.**—(1) If, on investigation by the local board, any nuisance is found to exist, and if after the board has required the removal or abatement of the same within a specified time, the board finds that default in removal or abatement has been made, and the case appears to the local board to involve the expenditure or loss of a considerable sum of money, or serious interference with any trade or industry, or other considerations of difficulty, the Department at the request of the local board may investigate and report upon the case.

Application to judge of Supreme Court.

(2) If the report of the Department recommends the removal or abatement of the nuisance, the local board or any ratepayer residing in the municipality, or within a mile thereof, may apply to a judge of the Supreme Court for an order for the removal or abatement of the nuisance, and to restrain the proprietors of any such industry from carrying on the same until the nuisance has been abated to the satisfaction of the Department, and the judge may make such order upon the report of the Department or upon such further evidence as he may deem meet.

Application of Rev. Stat. c. 123.

(3) *The Judges' Orders Enforcement Act* shall apply to every order made by a judge under this section. R.S.O. 1927, c. 262, s. 81.

*Expenses in Respect of Abatement of Nuisance.*

Where owner or occupier neglects to abate.

**87.**—(1) Where the owner or occupier of any premises in which a nuisance exists fails, after due notice, to abate the same, the medical officer of health or sanitary inspector may enter upon the premises and take such steps as may be necessary to abate the nuisance.

Recovery of expenses.

(2) All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose act, default or sufferance the nuisance was caused, but shall be recoverable from both the owner and the occupier for the time being of the premises.

Collection of expenses as taxes.

(3) If the costs and expenses incurred in abating the nuisance are not paid by the owner or occupier within one month after a demand of payment, a statement of the amount of the costs and expenses, and of the person, by whom and the premises in respect of which the same are payable, shall be delivered to the clerk of the municipality who shall insert the amount in the collector's roll, and the same may be collected in like manner as municipal taxes.



(4) The occupier for the time being of the premises may deduct any money recovered or collected from him which, as between him and the owner, the latter ought to pay, out of the rent then due or from time to time becoming due in respect of the premises. Occupier's right to deduct payment from rent.

(5) An occupier shall not be required to pay any further sum than the amount of rent for the time being due from him, or which, after demand of such costs or expenses, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses truly to disclose the amount of his rent and the name and address of the person to whom it is payable, and the burden of proof that the sum demanded from such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall be on such occupier. R.S.O. 1927, c. 262, s. 82. Limit of amount recoverable from occupier.

*When Application to Supreme Court Necessary.*

**88.**—(1) No determination or order of the Department or of a local board for the removal or abatement of a nuisance shall be enforced except by order of a judge of the Supreme Court where such removal or abatement involves the loss or destruction of property to the value of \$2,000 or upwards. Where application in respect of nuisance must be to Supreme Court.

(2) The order may be made upon the application of the Department or of the local board. R.S.O. 1927, c. 262, s. 83. Application for order.

OFFENSIVE TRADES.

**89.**—(1) Any person who without the consent of the local board or of the municipal council establishes any of the following trades or businesses or manufactures— Restriction on establishment of offensive trades.

- (a) Blood boiling,
- (b) Bone boiling,
- (c) Refining coal oil,
- (d) Extracting oil from fish,
- (e) Storing hides,
- (f) Soap boiling,
- (g) Tallow melting,
- (h) Tripe boiling,
- (i) Slaughtering animals,
- (j) Tanning hides or skins,

(k) Manufacturing gas,

(l) Manufacturing glue,

(m) Fertilizers from dead animals, from human or animal waste, or

(n) Any other trade, business or manufacture, which is or may become offensive, or which is by the regulations declared to be a noxious or offensive trade, business or manufacture,

Penalty. shall incur a penalty of not less than \$100 nor more than \$250, in respect of the establishment thereof, and a penalty of not less than \$20 for every day on which after notice in writing by the local board, or an officer thereof, to desist, such business, trade or manufacture is carried on, whether there has or has not been any conviction in respect to the establishment thereof. R.S.O. 1927, c. 262, s. 84.

Storing  
rags, bones,  
etc.

**90.**—(1) Any person who keeps or stores any rags, bones, junk, bottles, scrap iron or other metals, or other refuse within any municipality, except on premises approved of by the medical officer of health, shall incur a penalty of not less than \$10 nor more than \$50, and the continuance of the offence for each week after conviction shall be considered a separate offence.

Penalty.

Appeal to  
Minister as  
to storage  
of rags, etc.

(2) In the event of such approval being refused by the medical officer of health, the applicant shall have the right of appeal from such refusal to the Minister, who shall cause the premises to be examined, and make such inquiries as he may consider desirable, and grant or refuse such approval, or make such order or direction as he may deem proper, which determination shall be final. R.S.O. 1927, c. 262, s. 85.

#### MEDICAL AND DENTAL INSPECTION IN SCHOOLS.

"School  
board,"—  
meaning of.

**91.**—(1) For the purposes of this section, "school board" shall mean and include any board having under the authority of statute, charge over a public, separate, continuation, high or vocational school.

Agreement  
for medical  
and dental  
inspection  
of school  
pupils.

(2) Any school board may enter into an agreement with the local board of any municipality to provide for the medical and dental inspection by the local board of the pupils of the school or schools under the charge of such school board situated in the municipality for which such local board is established.

Power of  
local board.

(3) Where an agreement is entered into by a local board under the provisions of subsection 2, it shall have full power

and authority to and until otherwise determined by the school board, shall provide medical and dental inspection of the pupils of the schools mentioned in the agreement in accordance with this or any other Act relating thereto and any regulations made under this or any such other Act, and shall do and perform all acts, matters and things necessary for the purpose.

(4) It shall not be necessary for the purposes of subsection 2 that any agreement entered into pursuant thereto shall provide for medical and dental inspection of the pupils of all schools in the charge of a school board or for all the schools in a municipality, but the same may relate to the pupils only of any one or more of such schools.

Agreement need not apply to all schools.

(5) Where any school board is desirous of entering into an agreement with a local board pursuant to subsection 2 and the local board refuses to enter into the same, the Minister, upon the application of such school board and after hearing the representations of the local board and if satisfied that the standards established under the authority of this Act for medical and dental inspection of pupils can be provided for, may direct that the local board shall enter into the necessary agreement and provide for such inspection. 1933, c. 50, s. 6; 1934, c. 47, s. 9.

When local board must provide inspection.

#### INSPECTION OF LODGING HOUSES, LAUNDRIES, ETC.

**92.**—(1) The medical officer of health or any sanitary inspector acting under his instructions may, at any time of the day or night, as often as he thinks necessary, enter into a lodging house, tenement where rooms are rented, or a laundry where the owner or employees reside upon the premises, or other building where he has reason to suspect that the same are overcrowded or occupied by more persons than is reasonably safe for the health of the occupants.

Medical officer of health may enter and examine lodging houses, tenements and laundries.

(2) If upon such examination it is found that the premises are occupied by more persons than is reasonably safe for the health of the occupants, and that the sleeping rooms are such that six hundred cubic feet of air space cannot be provided for each occupant, or that the rooms or premises occupied by them are in a filthy or unclean state, or that any matter or thing is there which, in the opinion of the medical officer of health, founded on his own inspection or on the report of the sanitary inspector, may endanger the public health or the health of the occupants, the medical officer of health may order the owner or occupant to remove the inmates from the premises, or to remove that which causes the premises to be filthy or unclean, and put the rooms in a condition fit for human habitation. R.S.O. 1927, c. 262, s. 87.

When found overcrowded or unsanitary.

Placarding  
premises.

**93.** Where, in the opinion of the medical officer of health, any premises are so situated, so constructed or so improperly lighted, or in any other respect of such a character or in such a condition as to be unfit for human habitation or dangerous to health, he may cause such premises to be closed, and may affix a notice thereon in a prominent place setting forth the reason for such closing, and that the premises are closed by order of the medical officer of health, and no person shall pull down or deface such notice or use the premises closed as a dwelling or cause the same to be so used. R.S.O. 1927, c. 262, s. 88.

REGULATION AND LICENSING OF BARBER SHOPS AND  
HAIRDRESSING ESTABLISHMENTS.

Regulation  
of barber  
shops, etc.

**94.**—(1) The council of any city, town or township bordering on a city having a population of not less than 100,000 may pass by-laws for regulating the operation of barber shops and hairdressing establishments, and for licensing the owners of such shops and hairdressing establishments, and for revoking the license upon breach of any regulation imposed by the by-law.

Approval of  
by-law by  
Department.

(2) The said by-law shall not take effect until approved in writing by the Department, and when so approved shall be in force notwithstanding any provision of this Act or other regulation imposed under authority of this Act to the contrary. 1930, c. 52, s. 3; 1931, c. 58, s. 8.

INSPECTION OF DAIRIES, CHEESE FACTORIES, DAIRY FARMS, ETC.

Inspection  
of dairies,  
etc.

**95.**—(1) The medical officer of health may make or cause to be made by a veterinary surgeon or other competent person an inspection, periodical or otherwise, of all dairies, cheese factories, creameries, dairy farms, slaughter-houses and other lands or premises wherein or from which any milk, cream, cheese, butter, meat or other product intended for human consumption is produced, handled, stored, made, processed, packed, bottled, distributed or delivered, and if upon or as a result of any such inspection he finds that any such building, land or premises, or the equipment, machinery, works or other part of the plant therein, or any other matter or thing therein is in a filthy or unclean state or that the operations carried on therein are not, or cannot be carried on in a sanitary manner, or that persons are employed therein who from incompetency, uncleanness or otherwise are not proper to be employed therein so that from, or by reason of any such matters or things, the public health may be endangered, he may order the



owner or occupant of such building, land or premises to remedy such matters or things to his satisfaction, and until such time as he is satisfied that such matters or things are remedied he may prohibit or regulate the distribution, delivery, sale or offering for sale of any products from such building, land or premises.

(2) When any of the products mentioned in subsection 1 are distributed or delivered from or are made in any of the buildings, land or premises mentioned in the said subsection and are sold or offered for sale in any municipality other than the one in which such building, land or premises is situate, the medical officer of health of such other municipality may with respect thereto exercise the powers conferred by subsection 1 and may prohibit or regulate the distribution, delivery, sale or offering for sale of such products in the municipality in which he is the medical officer of health.

Where distribution, delivery, etc., is made in other centres.

(3) An inspection made under this section by a veterinary surgeon or other person approved by the Department as competent shall for the purposes of this section be deemed to have been made by a competent person.

Competent person,—who deemed to be.

(4) The owner or occupant of any building, land or premises dissatisfied with any order, prohibition or regulation made by a medical officer of health under the provisions of this section may within seven days of notice thereof being served upon him personally, or sent by registered mail, postage prepaid, at his last known address, or at the building, land or premises in question, appeal from such order, prohibition or regulation to the Minister whose decision in the matter shall be final and not subject to question or review in any court.

Appeal from order etc.

(5) Any person contravening the terms of any order, prohibition or regulation made under the provisions of this section shall incur a penalty of not less than \$5 and not more than \$100 for each offence, and any product distributed, delivered, sold or offered for sale in contravention of any such prohibition or regulation may upon the order of the convicting justice or magistrate be confiscated and destroyed. 1934, c. 47, s. 10.

Penalty.

#### INSTALLATION OF PUBLIC WATER SUPPLY.

**96.**—(1) Whenever the council of any municipality or any municipal board or commission or any company or person contemplates the establishment of, or the extension of, or any change in an existing waterworks system, they shall submit the plans, specifications and an engineer's report of the water supply and the works to be undertaken, together with such other information as may be deemed necessary to the Department.

Plans to be submitted to Department.

ment, and no such works shall be undertaken or proceeded with until the source of supply and the proposed works have been approved by the Department.

Department  
may direct  
change in  
plans.

(2) The Department, upon the application for such approval, may direct such changes to be made in the source of supply or in the plans submitted as it may deem necessary in the public interest. R.S.O. 1927, c. 262, s. 90.

Department  
to have  
supervision  
of streams,  
etc.

**97.**—(1) The Department shall have the general supervision of all springs, wells, ponds, lakes, streams or rivers used as a source for a public water supply or for agricultural, domestic or industrial purposes with reference to their purity, together with the waters feeding the same, and shall examine the same from time to time when the necessity for such examination arises, and inquire what, if any, pollution exists and the causes thereof.

Inquiry by  
Department  
as to com-  
plaints of  
pollution of  
waters.

(2) The Department may inquire into and hear and determine any complaint made by or on behalf of a riparian proprietor entitled to the use of water, that any industrial waste or any other polluting material of any kind whatsoever which either by itself or in connection with other matter may corrupt or impair the quality of the water or may render such water unfit for accustomed or ordinary use has been placed in, or discharged into such water, or placed or deposited upon the ice thereof, or placed or suffered to remain upon the bank or shore thereof.

Report of  
Department.

(3) The Department may make a report upon such complaint and as to what remedial measures, if any, are required in respect to any alleged injury or invasion of right as it may deem just.

Application  
to court on  
report of  
Department.

(4) Where the report of the Department recommends the removal or degree of treatment of any such polluting material any riparian proprietor interested may apply to a judge of the Supreme Court or a county judge by way of originating notice according to the practice of the court, for an order for the removal or abatement of the injury in terms of the report of the Department and to restrain the proprietors of the industry from carrying on the same, or the offending party or parties from continuing the acts complained of until the injury or invasion of right has been abated to the satisfaction of the Department.

Court may  
act on  
report of  
Department  
or further  
evidence.

(5) The judge may make such order upon the report of the Department or upon such further evidence as he may deem meet and on such terms and conditions as may be deemed proper. R.S.O. 1927, c. 262, s. 91.

**98.**—(1) No garbage, excreta, manure, vegetable or animal matter or filth shall be discharged into or be deposited in any of the lakes, rivers, streams or other waters in Ontario or on the shores or banks thereof, and no industrial or other wastes, dangerous or liable to become dangerous to health or to become a nuisance, or to impair the safety, palatability or potability of the water supply of any municipality or riparian owner, shall be discharged into or be deposited in any of the lakes, rivers, streams, or other waters of Ontario, or on the shores or banks thereof. R.S.O. 1927, c. 262, s. 92 (1); 1931, c. 58, s. 6.

Depositing  
filth, etc., in  
Provincial  
waters.

(2) The owners and officers of boats and other vessels plying upon any such lake, river, stream or other water shall so dispose of the garbage, excreta, manure, vegetable or animal matter or filth upon such boats or vessels as not to create a nuisance or enter or pollute such lake, river, stream or other water.

Disposal of  
offensive  
matter on  
boats.

(3) Residents of a health resort or summer resort shall so dispose of garbage, excreta, manure, vegetable or animal matter or filth as not to create a nuisance or permit of its gaining entrance to or polluting any such lake, river, stream or other water.

Residents of  
summer  
resorts.

(4) Any person who contravenes any of the provisions of this section shall incur a penalty not exceeding \$100. R.S.O. 1927, c. 262, s. 92 (2-4).

Penalty.

**99.** Water boards, water companies, water commissioners, the proper officers of any municipal corporation and any person making use as a source of water supply of any well or any other source within or partly within Ontario, and distributing the waters thereof for public, domestic or general uses, shall, from time to time, and whenever required by the Department, make returns to the Department upon forms to be furnished by it of such matters as may be required by the Department and called for by such forms, and any such water board, water company, water commissioner, officer or other person who shall, for the space of thirty days after being furnished with such forms, fail or neglect to make any such reports required shall incur a penalty of \$100. R.S.O. 1927, c. 262, s. 93.

Returns  
from water-  
works.

**100.**—(1) No sewage, drainage, domestic, commercial or factory refuse, excremental or other polluting matter of any kind whatsoever which either by itself or in connection with other matter corrupts, pollutes or impairs or may corrupt, pollute or impair the quality of the water of any source of public water supply for domestic use in any municipality, or

Polluting  
water  
supply.

which renders or may render such water injurious to health shall be placed in, deposited on, or discharged into the waters, or placed or deposited upon the ice of any such source of water supply, or be placed, deposited or discharged, or suffered to remain in, on or upon the bank or shore of any such source of water supply, or in, on or upon any lands adjacent to any such source, nor shall any person bathe or swim in the water of any such source of water supply.

Pollution  
of land  
adjacent  
to water  
supply.

(2) For the purposes of this section land adjacent to a source of public water supply shall include such surface area of land wherefrom by reason of the levels thereof or the nature and texture of the soils thereof, or rocks underlying the same, any corrupting, polluting or impairing effluent emanating from matter placed, deposited, discharged or remaining in, on or upon such land, would or may flow, percolate or seep into such source of water supply.

Defined  
area,—  
notice of.

(3) The Department may, with respect to any source of public water supply, define and prescribe an area surrounding such source of water supply wherein none of the matters referred to in subsection 1 may be placed, deposited, discharged or suffered to remain, and give such notice of any area so defined and prescribed by publication or otherwise as the Department may deem necessary for the due protection of such source of water supply.

Penalty.

(4) Every person who contravenes any of the provisions of subsection 1, or who, within any area surrounding a source of public water supply after the same has been defined and prescribed by the Department, places, deposits, discharges or suffers to remain any of the matters referred to in subsection 1, shall for each offence incur a penalty of not less than \$5 and not more than \$100 and each week's continuance of the offence after notice by the Department or any local board to discontinue the offence, shall constitute a separate and subsequent offence for which a penalty of not less than \$10 and not more than \$100 shall be incurred. 1934, c. 47, s. 11.

#### SEWERAGE SYSTEM AND SEWAGE.

Sewerage  
system.  
Plans to be  
submitted.

**101.**—(1) Whenever the construction of a common sewer or of a system of sewerage, or an extension of the same, is contemplated by the council of any municipality, the council shall first submit the plans and specifications of the work together with such other information as may be deemed necessary by the Department for its approval.

Department  
to inquire  
and report.

(2) The Department shall inquire into and report upon such sewer or system of sewerage, as to whether the same is



calculated to meet the sanitary requirements of the inhabitants of the municipality, and as to whether such sewer or system of sewerage is likely to prove prejudicial to the health of the inhabitants of the municipality or of any other municipality liable to be affected thereby.

(3) The Department may make any suggestion or amendment of the plans and specifications or may impose any condition with regard to the construction of such sewer or system of sewerage or the disposal of sewage therefrom as may be deemed necessary or advisable in the public interest. Amendment of plans at instance of Department.

(4) The construction of any common sewer or system of sewerage shall not be proceeded with until reported upon and approved by the Department, and no change in the construction thereof or in the disposal of sewage therefrom shall be made without the previous approval of the Department. Work not to be proceeded with until approved by Department.

(5) The Department may from time to time modify or alter the terms and conditions as to the disposal of sewage imposed by it, and the report or decision of the Department shall be final, and it shall be the duty of the municipal corporation and the officers thereof to give effect thereto. Modification, etc., of order.

(6) Whenever required by the Department, the clerk of every municipal corporation having, using, owning, leasing or controlling a sewerage system or sewage disposal plant shall make returns to the Department upon forms to be furnished by it of such matters as may be required by the Department and called for by such forms, and in case of default, the clerk shall incur a penalty of \$100. Report to be sent to Department.

(7) The sewerage system or sewage disposal plant of an urban municipality may, with the approval of the Department, be continued into, or through, or be situate in an adjoining township municipality, but before approving of any such work, the Department shall give notice to the clerk of the township and shall hear and consider any objections which the council of the township or the residents therein may make to the location of the works. Urban sewerage works or sewage disposal works in adjoining township.

(8) When the approval of the Department has been obtained, the corporation of the urban municipality may enter upon, take and use such lands in the township as may be necessary, and for that purpose shall have and may exercise the same powers within the township as it has within its own municipality, and paragraph 53 of section 405 of *The Municipal Act* and clauses *a* and *b* following the said paragraph shall not apply. Powers of urban municipality after approval of Department. Rev. Stat. c. 286.

Varying  
approval.

(9) The Department may withdraw, amend or vary any approval given by it under this section or any order or certificate made by it, and may approve of a different or other system of sewerage, sewage disposal or sewage disposal plant, or a different or other location of the same.

Hearing  
and notice  
to municipi-  
pality  
affected.

(10) Before acting under the provisions of subsection 9, the Department shall notify the clerk of the township municipality in which the system of sewerage is located or into or through which it is continued or in which it is proposed to locate the system of sewerage, or into or through which it is proposed to continue the same, or in which it is proposed to locate a sewage disposal plant, and the Department shall hear and consider any objections which the council of the township or any resident therein may make to the erection of the said work or any part thereof.

Application  
to Ontario  
Municipal  
Board.

(11) Where the Department has made an order or report under the provisions of subsections 7 to 10, the corporation of the urban municipality before proceeding with the work, shall apply to the Ontario Municipal Board, for an order prescribing the manner in which such work may be carried on, and notice of such application shall be given to the township municipality and to any resident therein whose property is, or may be, affected by the proposed works.

Powers of  
Ontario  
Municipal  
Board.

(12) Upon such application the Ontario Municipal Board may make an order,—

Rev. Stat.  
c. 170.

(a) stopping up and closing any highway, road or road allowance, temporarily or permanently for the purpose of allowing the proposed work to be carried on, and vesting the same in the urban corporation, and providing for the opening of other roads, highways and road allowances for the use and convenience of the residents of the township municipality in lieu of the roads, highways and road allowances so stopped up and closed, and the provisions of section 88 of *The Registry Act* shall not apply;

(b) imposing such terms and conditions upon the urban municipality with respect to the construction and operation of the proposed works as the said Board may deem just;

(c) ordering that any buildings, restrictions, covenants running with the land or any limitations placed upon the estate or interest of any person or corporation, in any lands in or through which it is proposed that a sewage disposal system may be constructed or continued, or where the site of the sewage disposal plant

is proposed to be located, shall be terminated and shall be no longer operative or binding upon or against any person or persons, and direct that any such order be registered under the provisions of *The Registry Act*;

- (d) fixing the compensation to be paid for lands taken or injured in the construction of such works.

(13) The registration of any order under clause *c* of sub-section 12, shall be a bar to any action or proceeding taken by any person or corporation claiming any right or benefits under or by reason of any such restrictions, covenants, interests, estate or title in the lands described in the order. Registration of order.

(14) The Ontario Municipal Board shall have jurisdiction to inquire into, and hear and determine any application by or on behalf of any person or corporation interested complaining that any urban municipality constructing, maintaining or operating any sewage disposal system, or plant, or having the control thereof,— Jurisdiction of Board as to claims for damages.

- (a) has failed to do any act, matter or thing required to be done by an Act or regulation, order or direction, or by any agreement entered into by the corporation; or

- (b) has done or is doing any act or is failing to do any act and that such act or failure is causing depreciation, loss, injury or damage to any property of any owner, and the said Board may make any order, award or finding in respect of any claim of damage or injury, as it may deem just.

(15) The jurisdiction of the Ontario Municipal Board under this section shall be conclusive and all claims for injury or damages or any other matter arising under the provisions of this section relating to the construction by an urban municipality of a sewage disposal plant in a township municipality, shall be heard and determined by the Board and *The Ontario Municipal Board Act*, so far as it is practicable, shall apply to every application and order made to or by the Ontario Municipal Board under this section. All claims to be determined by Board.  
Rev. Stat. c. 60.

(16) Where a sewage disposal plant or any connection therewith is constructed by an urban municipality in a township, the council of the urban municipality and the council of the township may enter into an agreement for the connecting with and use of such sewage disposal plant or connections by the township municipality and residents thereof on such terms as may be mutually agreed upon. R.S.O. 1927, c. 262, s. 95. Agreement between urban and township municipalities.

Sewage disposal plant in another municipality.

(17) Where the corporations of the urban municipality and the township do not agree, as provided in subsection 16, as to the right of the township and the inhabitants to make use of such sewage disposal plant or as to the terms of such use, the Ontario Municipal Board upon the application of the corporation of the township may make an order conferring the right to make use of such sewage disposal system upon the township and upon the inhabitants thereof whose properties are adjacent thereto, and the terms and conditions as to such usage.

Township may collect agreed amount as taxes.

(18) The corporation of the township may assess and collect as taxes whatever amount may be agreed upon with the urban municipality for every sewer connection to the sewage disposal plant or any connection therewith under subsection 17 in the same manner and to the same extent as if the same constituted a public utility owned by the township.

Right to connect with plant.

(19) Where the township does not apply to the Ontario Municipal Board as provided in subsection 17, the owner of any residence or dwelling in the township in proximity to the sewage disposal plant or to any connection therewith, may apply to the said Board for an order declaring that such owner shall have the right to connect his property with such sewage disposal plant or any connection therewith. 1928, c. 45, s. 3.

#### BY-LAWS FOR BORROWING FOR WATERWORKS AND SEWERAGE.

By-law for issue of debentures not to be passed until approved by Department.

**102.**—(1) No by-law shall be passed for raising money for any of the purposes mentioned in sections 96 and 101 until the proposed water supply or sewerage system, as the case may be, has been approved by the Department, and such approval has been certified under the hand of the Minister.

By-law to recite approval.

(2) The by-law shall recite the approval of the Department. R.S.O. 1927, c. 262, s. 96.

Approval of by-laws by Ontario Municipal Board.

**103.** The Ontario Municipal Board may, pursuant to *The Ontario Municipal Board Act*, approve any by-law for raising money for any of the works or purposes mentioned in sections 96 and 101 and may certify to the validity of debentures issued thereunder upon the presentation of a certificate of the Department approving the said works, notwithstanding that the certificate of approval by the Department was not obtained prior to the passing of the by-law or that the by-law does not contain a recital of such approval. 1933, c. 50, s. 7.

Rev. Stat., c. 60.

Assent of electors not required.

**104.**—(1) Where the Department reports in writing that it is of opinion that it is necessary in the interest of the public health that a waterworks system or an adequate water purifica-



tion plant, or a sewer or a sewerage system, or an adequate sewage treatment plant should be established or continued, or that any existing waterworks system, water purification plant, sewer or sewerage system, or sewage treatment plant should be improved, extended, enlarged, altered, renewed or replaced, it shall not be necessary to obtain the assent of the electors to any by-law for incurring a debt for any of such purposes.

(2) Where the Department has reported as provided by subsection 1, the council of a municipality shall forthwith pass all necessary by-laws for the establishment of the works reported upon and the corporation of the municipality shall immediately commence the work and carry the same to completion without unnecessary delay.

(3) The by-law shall not be finally passed until the approval of the Department has been obtained to the work to be done as hereinbefore provided and shall recite such approval. R.S.O. 1927, c. 262, s. 97.

**105.**—(1) The municipal council of a city having a population of not less than 100,000 may with the approval of the Ontario Municipal Board provide by by-law for the issue of debentures for the purpose of raising money to procure investigations and reports as to the method of sewage treatment and disposal best suited to meet the needs of the municipality.

(2) It shall not be necessary to procure the assent of the electors to any by-law passed pursuant to subsection 1.

(3) Instead of making a separate issue of debentures to defray the expenses of such investigation and report, the council may provide that such expenses shall be included in the cost of the work and be paid out of the proceeds of any debentures issued therefor. 1928, c. 45, s. 4.

**106.** Every waterworks system, water purification plant, sewer and sewerage system and sewage treatment plant, and appurtenances thereof, established for public use, shall at all times be maintained, kept in repair and operated so as to best secure the protection of the public health, and in such manner and for such purposes as may be directed by any special order of the Department or by the regulations. 1931, c. 58, s. 7.

**107.** Any municipal corporation or body or person refusing or neglecting to carry out the provisions of either section 104 or 106, after notice from the Department so to do, shall incur a penalty of \$100 for every day upon which such default continues. R.S.O. 1927, c. 262, s. 99.

## ICE SUPPLIES.

Regulation  
of ice supply  
by local  
board.

**108.**—(1) The local board of a municipality in which supplies of ice are obtained, sold and stored may adopt such regulations regarding the source of supply and the place of storage of the same as are, in its opinion, best adapted to secure the purity of the ice and prevent injury to the public health, and for the supervision of ice supplies, whether obtained within or without the municipality, whenever the ice is intended for use within the municipality in which the board has jurisdiction.

Permit for  
cutting ice.

(2) No ice shall be cut from any lake, river, stream, pond, or other water for the purpose of being sold, or used for domestic purposes unless a permit therefor has been first obtained from the local board, and no person shall sell or deliver or dispose of in any way any ice for domestic purposes without first obtaining a permit therefor from the local board, and the local board may refuse a permit, or revoke any granted by it, when in its judgment the use of any ice cut or sold or to be cut or sold for domestic purposes under the same is or would be detrimental to the public health.

Local board  
to enforce  
regulations.

(3) Every local board shall enforce the regulations of the Department, and may prohibit the sale and use of any ice within the limits of the municipality, when, in its judgment, the same is unfit for use or the use of it would be detrimental to the public health.

Prohibiting  
distribution  
in municip-  
ality.

(4) The local board may prohibit, and, through its officers, prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of the municipality, and may in the same manner prevent the sale of any such ice for domestic purposes within the limits of the municipality, when, in its judgment, the ice is unfit for use, or the use of it would be detrimental to the public health. R.S.O. 1927, c. 262, s. 100.

## INSPECTION OF ANIMALS, MEAT, ETC.

Inspection  
of food  
supplies.

**109.**—(1) A medical officer of health or sanitary inspector may at all reasonable times inspect or examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, milk or other article exposed for sale or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man, and if such article appears to him to be diseased, or unsound or unwholesome, or unfit for food for man, he may seize and carry away the same, or cause it to be seized and carried away, in order that it may be destroyed or so disposed of as to prevent it from being exposed for sale or used as food for man.

(2) The person to whom the same belongs, or did belong <sup>Penalty.</sup> at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall incur a penalty of not less than \$10 nor more than \$100 for every such article unless he proves that he did not know and had no means of knowing the condition of such article.

(3) Where it is charged upon any prosecution under this section that any animal, or the meat or milk of any animal, is affected with any disease named in section 2 of the *Animal Contagious Diseases Act* (Canada), or with wens, clyers, <sup>Scientific examination where existence of certain diseases charged. R.S.C, c. 6.</sup> actinomycosis or osteosarcoma, or any disease of a cancerous nature, the medical officer of health may make, or cause to be made, or request the Department to make, such scientific examination of the animal, meat or milk suspected of being diseased as may enable it to be determined whether or not such disease exists, and the Minister may instruct an officer of the Department to make such examination or cause the same to be made.

(4) The expenses of such examination, together with a fee <sup>Expenses and fee on examination.</sup> not exceeding \$10, shall be certified by the Deputy Minister, and shall be payable by the treasurer of the municipality in which such animal, meat or milk is found.

(5) In any prosecution under this section, the burden of <sup>Onus of proof.</sup> proof that any article in respect of which the charge is laid is not kept for sale or intended for food for man shall be upon the person charged.

(6) A person, firm or corporation shall not manufacture <sup>Permit required for manufacturing or bottling of carbonated water, etc.</sup> or bottle for sale as food for man, any beverage such as carbonated water, natural and artificial mineral water, spring and distilled water, unfermented wine or cordials, concentrated syrup, extracts, essence, fruit juice, or any dry substance in concentrated form for the manufacture of any beverage, brewed ginger beer, or other non-intoxicating drink, without first obtaining a permit in writing so to do from the medical officer of health and the local board of the municipality in which such manufacturing or bottling is to be conducted.

(7) When the medical officer and local board of health <sup>Cancellation of permit.</sup> desire to cancel a permit, they shall give notice in writing of such cancellation to the person or persons or the agent of the person or persons to whom the permit was issued and such cancellation shall not become effective until thirty days after receipt of such notice by the said person, persons or their agent.

(8) Such permit may be refused and if granted may be cancelled or revoked for failure to comply with the regulations <sup>Revocation of permit, on what grounds.</sup> pertaining to the building, equipment and methods of manu-

facture or bottling of such beverage or if such beverage upon analysis is found to be contaminated or contain any injurious ingredients, or for other cause is found to be unfit for food. R.S.O. 1927, c. 262, s. 101.

Feeding certain things to hogs.

**110.**—(1) Whenever any medical officer of health or sanitary inspector knows or has reason to believe that blood, offal or the meat of any dead animal which has not been previously boiled or steamed when fresh or before becoming putrid or decomposed, or which, although boiled or steamed, is putrid or decomposed, has been or is being fed to hogs, he may seize and carry away the hogs, whether dead or alive, or otherwise detain them so as to prevent their removal.

Penalty.

(2) The owner, or person in charge of, or any person found feeding any such blood, offal or meat to hogs shall incur a penalty of not less than \$5 nor more than \$50, and upon his conviction, the medical officer of health shall order the hogs, whether dead or alive, to be destroyed or so disposed of as to prevent them from being exposed for sale or used for food for man.

Onus of proof.

(3) In every prosecution under this section, where it is proved that such blood, offal or decomposed meat was found upon the premises, the burden of proof that the same was not intended to be fed to hogs shall be upon the person charged. R.S.O. 1927, c. 262, s. 102.

Inspection of slaughter houses.

**111.**—(1) Every butcher and other person selling meat shall on the request of the medical officer of health make affidavit as to the place at which the slaughter of his meat is carried on, and where it is without the limits of the municipality, such place shall be open to inspection by the medical officer of health or by an inspector appointed by the council of the municipality in which the meat is offered for sale.

Notice to discontinue sale.

(2) In case of the refusal or neglect to make such affidavit or permit such inspection, the local board may give notice in writing to the butcher or other person to discontinue the sale of meat in the municipality.

Penalty.

(3) If after receiving such notice, the butcher or other person sells or offers for sale any meat in the municipality, he shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 262, s. 103.

Killing or selling calves under three weeks old.

**112.**—(1) Any person who knowingly sells, or has in his possession with intent to sell as food for man, the meat of any calf less than three weeks old shall incur a penalty of not less than \$10 nor more than \$50.



(2) In every prosecution under this section, where it is proved that the meat of any calf less than three weeks old was found upon the premises, the burden of proof that the same was not intended as food for man shall be upon the person charged. R.S.O. 1927, c. 262, s. 104.

Burden of proof.

#### MUNICIPAL SLAUGHTER-HOUSES, ABATTOIRS, ETC.

**113.**—(1) The municipal council of a city or town may by by-law provide for the establishment, within the municipality, or in an adjoining municipality, the council of which has by by-law sanctioned its establishment therein, of a public slaughter-house or abattoir with proper cattle-yards and pens in connection therewith for the proper keeping therein of animals intended for slaughter, and for charging fees for the use thereof.

By-laws for establishing slaughter-houses, cattle-yards or pens.

(2) Every such slaughter-house or abattoir, and cattle-yard and pen, shall be constructed, equipped and regulated in conformity with the regulations. R.S.O. 1927, c. 262, s. 105.

Regulation of slaughter-houses, etc.

**114.** The local board of the city or town by which the slaughter-house or abattoir, cattle-yards or pens are established shall have the supervision of them, and shall be responsible for the due carrying out of the regulations, and the costs of the supervision and inspection shall be paid from time to time by the treasurer of the city or town out of the fees charged, on the order of the local board of health. R.S.O. 1927, c. 262, s. 106.

Local board of health to have control.

**115.** Such local board may employ one or more persons, approved of by the medical officer of health, to inspect at such slaughter-house or abattoir, or at such cattle-yards or pens, all animals, carcasses and meat brought into the municipality and intended for food for man. R.S.O. 1927, c. 262, s. 107.

Competent persons employed for inspecting animals and meat.

**116.** Any meat-packing establishment shall be subject to inspection in the same manner as a municipal slaughter-house or abattoir. R.S.O. 1927, c. 262, s. 108.

Inspection of meat-packing establishments.

#### USE OF FORCE—ASSISTANCE BY CONSTABLES, ETC.

**117.** Any person who obstructs, hinders, or delays or prevents an officer of the Department, or any local board, or a member thereof, medical officer of health or sanitary inspector, or any person employed by or acting under the direction of any of them in the exercise of any of the powers conferred, or performance of any of the duties imposed upon them by

Penalty for hindering officers from inspecting meat, etc.

this Act or by the regulations, or in carrying out any order lawfully given by them, shall incur a penalty of not less than \$25 nor more than \$100. R.S.O. 1927, c. 262, s. 109.

Calling for  
assistance  
of con-  
stables, etc.

**118.** Whenever a local board or a member thereof, medical officer of health or sanitary inspector is required or empowered by this or any other Act or by the regulations or by a municipal by-law to do or to prevent or to direct or enforce the doing of anything, such board or member or officer or inspector may use such force and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any constable or other person, and it shall be the duty of every constable so called upon to render such assistance. R.S.O. 1927, c. 262, s. 110.

#### PENALTIES AND RECOVERY THEREOF.

Penalties.

Communi-  
cable  
diseases.

**119.**—(1) Any person who contravenes any of the provisions of sections 55 to 77 for which no other penalty is provided shall incur a penalty of not less than \$25 nor more than \$100. R.S.O. 1927, c. 262, s. 111 (1); 1936, c. 51, s. 5.

Other  
offences.

(2) Any person who contravenes any other provision of this Act or of the regulations or of any municipal by-law passed under this Act, or wilfully disobeys or neglects to carry out any order or direction lawfully given by the Department, a local board, member of a local board, medical officer of health or sanitary inspector unless it is otherwise provided shall incur a penalty of not less than \$5 nor more than \$500.

Continuance  
of offence.

(3) Where any person has been convicted of an offence under this Act or under any regulation or by-law enacted or in force thereunder, and such offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance, or other unsanitary condition, which it is such person's duty to remove, or of the erection or construction of anything contrary to the provisions of this Act, or of any regulation or by-law enacted or in force thereunder, then, if the proper authority in that behalf gives reasonable notice to such person to make good such omission or neglect, or to remove such nuisance or unsanitary condition, or to remove the thing which has been erected or constructed contrary to this Act or to such regulation or by-law, and default is made in respect thereof, the person offending may be convicted for such default, and shall be liable to the same punishment as was or might have been imposed for the original offence, and so on, from time to time, as often as after another conviction, a new notice is given and the default continues, and in case of a third

or subsequent conviction, it shall not be necessary in the information, conviction or other proceedings to make any reference to any conviction except the first, or to any notice except that in respect of which the proceedings are then being taken.

(4) Every person who sells either publicly or privately any of the biological products supplied to the public free of charge by the Department shall incur a penalty of \$100, and in default of payment thereof shall be liable to imprisonment for a period of three months. R.S.O. 1927, c. 262, s. 111 (2-4). Penalty for selling biological products supplied by Department.

**120.** Penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* before a magistrate or two justices of the peace. R.S.O. 1927, c. 262, s. 112. Recovery of penalties. Rev. Stat. c. 136.

**121.**—(1) Every penalty recovered under this Act where the prosecution is by or at the instance of the corporation of a municipality, or the local board, or the medical officer of health or other health officers of the municipality shall be paid to the treasurer of the municipality in which the offence was committed for the use of the local board. Application of penalties.

(2) Where the prosecution is at the instance of the Department or of any provincial officer or where the offence was committed in territory without municipal organization, the penalty shall be paid to the Treasurer of Ontario. R.S.O. 1927, c. 262, s. 113. Offences in unorganized territory.

**122.** Where any act or omission is a violation of any express provision of this Act and is also a violation of a by-law of a municipality in respect of a matter over which the council of the municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a conviction shall not be made under both for the same act or omission. R.S.O. 1927, c. 262, s. 114. Where offence is against Act and by-law.

#### ALL PROCEEDINGS BARRED BY POVERTY, ETC.

**123.** Where any person who is unable from poverty or other sufficient cause to comply with any of the provisions of this Act, or of the regulations, gives notice of such inability to the medical officer of health, and the local board on examination is satisfied of such inability, the secretary thereof shall give his certificate to that effect, and such certificate shall be a bar to all proceedings against such person for a period of six months. R.S.O. 1927, c. 262, s. 115. Certificate of poverty or inability a bar to prosecution.

## STATUTORY BY-LAW.

Application  
of enact-  
ments in  
Schedule B.

**124.**—(1) The by-law set out in Schedule B, hereinafter called the statutory by-law, and every amendment thereto, shall be in force in every municipality as if enacted by the council thereof, and the council of every municipality shall have authority to pass by-laws with the approval of the Department for making additional requirements in respect to any of the matters dealt with by the statutory by-law.

Amendment  
of by-law.

(2) The Department may permit the council of any municipality to amend the statutory by-law so as to conform to the requirements of the municipality or to meet such special circumstances as, in the opinion of the Department, may warrant such amendment.

Effect of  
by-law,  
Schedule B.

(3) The by-law set out in Schedule B and any amendment thereto approved by the Department shall have the same force and authority as a regulation made under this Act by the Department. R.S.O. 1927, c. 262, s. 116.

## POSTPONEMENT OF MUNICIPAL AND SCHOOL ELECTIONS.

Postpone-  
ment of  
election in  
case of  
epidemics.

**125.**—(1) Where the Minister reports to the Lieutenant-Governor that on account of the prevalence in any municipality of any communicable disease, it would be dangerous to hold an election in such municipality, the Lieutenant-Governor in Council may, of his own motion, or upon the application of the council of the municipality, issue his proclamation postponing the holding of any intended municipal or school election for a period not exceeding three months, and may from time to time further postpone such election if, in the opinion of the Minister, the necessity for postponement continues.

Fixing date  
for holding  
postponed  
election.

(2) The Lieutenant-Governor may, by the proclamation, name the days for holding the nomination and polling, but, if no days are named therefor, the council shall as soon as practicable after the period named in such proclamation, or the last of such proclamations, expires, by by-law name the days for the nomination and polling. R.S.O. 1927, c. 262, s. 117.

## UNORGANIZED TERRITORY.

Application  
of sections  
127 to 133.

**126.** Sections 127 to 133 shall apply only to territory without county organization. R.S.O. 1927, c. 262, s. 118.

Regulations.

**127.**—(1) The Minister may, with the approval of the Lieutenant-Governor in Council, make regulations,—

(a) respecting any industry and the conditions under which the same may be carried on for the purpose



of preventing nuisances and the outbreak or spread of disease;

- (b) for the cleansing, regulating and inspection of lumbering camps and of mining camps and railway construction works and of other places where labour is employed;
- (c) for providing for the inspection of houses and premises;
- (d) for providing for the employment of duly qualified medical practitioners by employers of labour in lumbering camps and in mining camps and on railway construction works and other works where labour is employed, and for the erection of permanent or temporary hospitals for the accommodation of persons so employed.

(2) The regulations may be general in their application or General, local or special. may be made applicable specially to any particular locality or industry.

(3) The expenses of carrying out the regulations shall be Expenses. paid to the person entitled thereto by the persons, firms or corporations whose duty it may be to carry out such regulations, and the amount so to be paid shall be apportioned by the Minister among them as he may deem proper, and every amount so apportioned shall be deemed to be a debt due from the person, firm or corporation, and may be recovered by the person entitled thereto by action in any court of competent jurisdiction.

(4) If default is made in complying with any of the regulations, the Department may direct that what is omitted to be Procedure on default of compliance. done shall be done at the expense of the person, firm or corporation in default, and if the default is the failure to employ a duly qualified medical practitioner, as provided by clause *d* of subsection 1, the employing person, firm or corporation shall be liable to pay the reasonable expenses incurred by any employee for medical attendance and medicines, and for his maintenance during his illness.

(5) Where any regulation has been made by the Minister with the approval of the Lieutenant-Governor in Council under the provisions of this section relating to territory without municipal organization, the regulation may provide for the imposing of penalties for the violation of any regulation made under this Regulations in territory without municipal organization. Penalties. section and every such penalty shall be recoverable under *The Summary Convictions Act* before a magistrate or two justices Rev. Stat. c. 136. of the peace. R.S.O. 1927, c. 119.

Magistrates  
to be  
*ex officio*  
health  
officers.

**128.** Every magistrate shall be *ex officio* a medical officer of health in and for the district or part of a district for which he is appointed. R.S.O. 1927, c. 262, s. 120.

Constables  
to be  
*ex officio*  
sanitary  
inspectors.

**129.** Every constable shall be *ex officio* a sanitary inspector for the locality for which he is appointed. R.S.O. 1927, c. 262, s. 121.

Superinten-  
dent and  
officers in  
Algonquin  
Park.

**130.** The Superintendent of the Algonquin Park shall be *ex officio* a medical officer of health for the Park, and for the territory surrounding it for the distance of one mile therefrom or from any part thereof, and all the park rangers, whether employed temporarily or otherwise, shall be *ex officio* sanitary inspectors under this Act for the Park and such territory. R.S.O. 1927, c. 262, s. 122.

Local  
officers of  
health  
specially  
appointed.

**131.** The Lieutenant-Governor in Council may appoint medical officers of health, and every such officer shall within the locality for which he is appointed have all the powers and perform all the duties by this Act, or any other Act, conferred or imposed upon medical officers of health, or local boards of health, and shall also perform such other duties as the Lieutenant-Governor in Council may direct. R.S.O. 1927, c. 262, s. 123.

Sanitary  
inspectors.

**132.** The Minister may also, with the approval of the Lieutenant-Governor in Council, appoint in any of the unorganized districts one or more sanitary inspectors, who shall possess, in addition to the powers conferred upon sanitary inspectors by this Act, all the powers conferred upon local boards of health by section 26. R.S.O. 1927, c. 262, s. 124.

In unor-  
ganized  
territory.

**133.** The medical officer of health and the sanitary inspectors shall be paid such salary or other remuneration as may be determined by the Lieutenant-Governor in Council out of the appropriation made by the Legislature for the purposes of the Department. R.S.O. 1927, c. 262, s. 125.

#### EXPENSES OF ENFORCEMENT OF ACT.

Expenses to  
be payable  
in first  
instance by  
Province.

**134.**—(1) The expenses incurred by the Department in the enforcement of this or any other Act or of the regulations shall be payable in the first instance by the Treasurer of Ontario out of any money appropriated by this Legislature for the expenses of the Department, and in such manner and upon such certificate and after such audit as the regulations may prescribe, anything in *The Audit Act* or any other Act to the contrary notwithstanding.

Rev. Stat.  
c. 24.

(2) Whenever an account is certified by the officer or officers designated in the regulations to be properly payable out of such appropriation, such certificate shall be final and the Provincial Auditor shall thereupon direct the issue of a cheque in payment of the account. R.S.O. 1927, c. 262, s. 126.

PROCEEDINGS NOT TO BE QUASHED FOR WANT OF FORM, OR  
REMOVED INTO SUPREME COURT.

**135.** No order or other proceeding, matter or thing, done or transacted in or relating to the execution of this Act shall be vacated, quashed or set aside for want of form, or be removed or removable by *certiorari* or otherwise into the Supreme Court. R.S.O. 1927, c. 262, s. 127.

Payment on  
certificate  
of proper  
officer.

Proceedings  
not to be  
quashed for  
want of  
form or  
removed  
into  
Supreme  
Court.

## SCHEDULE A.

(Section 51 (2).)

## PUBLIC HEALTH.

Take notice that by virtue of *The Public Health Act*, and the regulations made thereunder, possession has been taken (*or obtained, as the case may be*) of the following lands (*or building, as the case may be*), namely,

(Reasonable Description.)

and further take notice that such land (*or building*) will be occupied and used for the purposes of the said Act or regulations from and after the date hereof for a period of \_\_\_\_\_ or such other time as may, in the discretion of the undersigned, be necessary.

Dated, etc.

(Signature.)

R.S.O. 1927, c. 262, Sched. A.

## SCHEDULE B.

(Section 124.)

BY-LAW IN FORCE IN EVERY MUNICIPALITY UNTIL ALTERED BY  
THE MUNICIPAL COUNCIL.Duty of  
medical  
health  
officer.

1. It shall be the duty of the medical officer of health to assist and advise the local board of health and its officers in matters relating to public health and to superintend the enforcement and observance, within this municipality, of health by-laws or regulations, and of public health Acts, and of any other sanitary laws, and to perform such other duties and lawful acts for the preservation of the public health as may, in his opinion, be necessary, or as may be required by the Department of Health for Ontario. He shall also present to the said board, before the 15th day of November in each year, a full report upon the sanitary condition of the municipality.

Duty of  
sanitary  
inspector.

2. The sanitary inspector, besides performing the duties imposed by this by-law, shall assist the medical officer of health and perform such other duties as may from time to time be assigned to him by the local board of health or the medical officer of health.

Chairman  
of board of  
health to  
report to  
council.

3. The chairman of the local board of health shall, before the 1st day of December in each year, present to this council a report containing a detailed statement of the work of the board during the year, and the report of the sanitary condition of the municipality, as rendered to the board by the medical officer of health. A copy of each such report shall be transmitted by the secretary to the Department.

Deposits  
endangering  
public  
health  
forbidden.

4. No person shall within the municipality suffer the accumulation upon his premises, or deposit, or permit the deposit, upon any land belonging to him, of anything which may endanger the public health, or deposit upon, on, or into, any street, square, lane, by-way, wharf, dock, slip, lake, pond, bank, harbour, river, stream, sewer, or water, any manure or other refuse, or vegetable or animal matter, or other filth.



5. It shall be a duty of the sanitary inspector to keep a vigilant supervision over all streets, lanes, by-ways, lots, or premises upon which any such accumulation may be found, and at once to notify the persons who own or occupy such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter, or filth, in any street, lane, or by-way, to cleanse the same, and to remove what is found thereon. Such persons shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification, the inspector may prosecute the persons so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the local board of health or medical officer of health, all premises occupied by persons residing within the municipality, and shall report to the board every violation of any of the provisions of this by-law, or of any other regulation for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection.

Duty of  
sanitary  
inspector  
as to lands,  
etc.

6. Whenever it shall appear to the local board, or to any of its officers, that it is necessary for the preservation of the public health, or for the abatement of anything dangerous or injurious to the public health, or whenever a notice signed by one or more inhabitant householders of this municipality is received stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health, or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cesspool, ash-pit, or cellar, kept or constructed so as to be dangerous or injurious to the public health or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water, or other matter or thing is kept so as to be dangerous or injurious to the public health, it shall be the duty of the sanitary inspector to enter such building or premises for the purpose of examining the same, and, if necessary, he shall order the removal of such matter or thing. If the occupant or owner or his lawful agent or representative having charge or control of such building or premises, after having had twenty-four hours' notice from any such officer to remove or abate such matter or thing, shall neglect or refuse to remove or abate the same, he shall be subject to the penalties mentioned in section 35 of this by-law.

Examination  
of buildings  
or premises  
by sanitary  
inspectors.

7. If the local board is satisfied upon due examination that a cellar, room, tenement, or building within the municipality, occupied as a dwelling-place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a communicable disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous or injurious to the health of the occupants, or of the public, the board may give notice in writing to such occupants, or any of them, requiring the premises to be put in proper sanitary condition, or requiring the occupants to quit the premises within such time as the board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending shall be liable to the penalties mentioned in section 35 of this by-law, and the board may cause the premises to be properly cleansed at the expense of the owners or occupants, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place until put into proper sanitary condition.

Notice to  
put premises  
in proper  
sanitary  
condition  
or to quit  
same.

8. No person shall at any time use any house, shop or outhouse as a slaughter-house or as a place for slaughtering animals or fowl therein, unless such shop, house or outhouse is distant not less than two hundred yards from any dwelling-house, and not less than fifty yards from any public street.

Location of  
slaughter-  
house, etc.

9. All slaughter-houses within this municipality shall be subject to inspection under the direction of the local board of health, and no person shall keep any slaughter-house unless the permission in writing of the board for the keeping of such slaughter-house has been first obtained, and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that

Inspection  
of slaughter-  
houses.

the slaughter-house shall be so kept as to comply with the regulations of the Department respecting slaughter-houses, and upon such condition being broken the permission may be revoked by the board, and all animals to be slaughtered, and all fresh meat exposed for sale in this municipality shall be subject to like inspection.

Inspection  
of cow  
byres, cheese  
factories  
and cream-  
eries.

10. All milch cows, cow byres and dairies, and all places in which milk is sold or kept for general use, and all cheese factories and creameries shall be subject to inspection under the direction of the board, and the proprietors shall obtain permission in writing from the board, to keep any such dairy or other place in which milk is so sold or kept, or to keep a cheese factory or creamery, and the same shall not be kept by any person without such permission, which shall be granted after approval of such premises upon inspection, subject to the condition that all such places are so kept and conducted that the milk shall not contain any matter or thing liable to produce disease, either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other cause, and upon such condition being broken, the said permission may be revoked by the board.

Sale of  
diseased  
food.

11. No person shall offer for sale within this municipality, as food, any diseased animal, or any meat, fish, fruit, vegetables, milk, or other article of food which, by reason of disease, adulteration, impurity, or other cause is unfit for use.

Supply of  
drinking  
water.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of wholesome drinking water, and if any occupant of the house is not satisfied with the wholesomeness or sufficiency of such supply, he may apply to the local board of health to determine as to the same. If the supply is sufficient and wholesome, the expense incident to such determination shall be paid by such occupant, and if not, by the owner, and in either case such expense shall be recoverable in the same manner as municipal taxes.

Wells to be  
treated.

13. If the local board of health or the medical officer of health certifies that any well should be filled in or otherwise treated, such well shall be dealt with accordingly by the owner or occupant of the premises. Pending compliance with the order of the local board of health, or the local medical officer of health, the local medical officer of health shall take such measures as in his judgment may be necessary to prevent the use of water from such well. No well shall be used as a privy, privy-vault or cesspool.

Establish-  
ment of  
privy-  
vaults, etc.

14. No privy-vault, cesspool, septic tank or reservoir into which a privy, water-closet, stable or sink is drained, shall be established until the approval in writing of the medical officer of health has been obtained.

Time de-  
posits to  
be removed.

15. Section 14 of this by-law shall not apply to privies or closets with a water-tight container above the surface of the ground, but sufficient dry earth, wood ashes, coal ashes or other material to absorb all fluids of the deposit shall be thrown upon the contents of such privies daily, and the contents covered completely with chloride of lime once each week. The contents when removed shall be disposed of in a sanitary manner to the satisfaction of the medical officer of health or the local sanitary inspector.

Cleaning out  
and disin-  
fecting  
privy-  
vaults, etc.

16. If the exigencies or circumstances of the municipality require that privy-vaults, cesspools and reservoirs shall be allowed in accordance with section 14 of this by-law, they shall be cleaned out or disinfected or both on the order of the medical officer of health, or the local board of health.

Deodoriza-  
tion before  
removal.

17. Within the limits of this municipality no night-soil or contents of any cesspool, septic tank or reservoir shall be removed, unless the removal is by some odourless process.

18. It shall be the duty of the owner of every house, apartment and place of business within this municipality to provide for the occupants, employees and customers adequate sanitary closets and toilet accommodation.

Supplying  
toilet  
accom-  
modation.

19. All putrid and decaying animal or vegetable matter shall be removed from all cellars, buildings, out-buildings and yards on or before the 1st day of May in each year.

Removal of  
decayed  
animal or  
vegetable  
matter.

20. Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning the same or by placing it in a properly covered receptacle, the contents of which shall be regularly removed, at least twice a week.

Removal of  
garbage.

21. All restaurants or eating houses operated in this municipality shall have wash rooms and toilets, one for males and one for females for the accommodation of the public.

Restaurants  
to have  
wash rooms,  
etc.

22. Swine shall not be kept within the limits of this municipality, except in pens, with floors kept free from standing water and regularly cleansed and disinfected, and distant at least one hundred feet from any dwelling house, school house or church.

Hogs.

23. The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit more than two waggon-loads of manure to accumulate in or near the same at any one time, and shall at all times keep such manure in a proper covered receptacle.

Livery  
stable.

24. No house shall be built upon any site, the soil of which has been made up of any refuse, unless such soil has been removed from such site, and the site disinfected, or unless the soil has been covered with a layer of charcoal or ashes, covered by a layer of concrete at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

Soil of  
house sites  
to be dis-  
infected.

25. The drain of every house connected with a sewer or cesspool shall be properly ventilated by means of a pipe extending upward from the highest point of the main soil or waste-pipe, and also by a pipe carried upward from the drain outside the walls of the house. Such pipes shall be of the same dimensions as the main soil or waste-pipe, and shall be constructed of the same material or of stout galvanized iron, and no trap shall intervene between the ventilating pipes. If a trap intervenes between the sewer or cesspool and the ventilating pipes, then a four-inch ventilating pipe of such material shall be carried from a point between such trap and the sewer. Every ventilating pipe shall be carried above the roof of the house, and shall open above at points sufficiently remote from every window, door, sky-light, chimney or other opening leading into any house to prevent the escape into it of gases from such ventilating pipes.

Ventilation  
of drains,  
etc.

26. No pipe from any drain or soil pipe shall be connected with any chimney in a dwelling-house.

Pipes not  
to be con-  
nected  
with  
chimneys.

27. Every house-drain shall be constructed of vitrified earthenware or iron pipe, and every soil and waste-pipe of iron pipe shall be rendered impervious to gas or liquids, by the joints being run with lead and caulked, or constructed of lead pipe weighing at least six pounds to the square foot; and the waste-pipe from every closet, sink, tub, wash-basin or other service shall have as near as possible to the point of junction with such service a trap so constructed, vented and furnished, that it shall at no time allow of the passage of gas into the house, and all joints shall be so constructed as to prevent gas escaping through them.

Construction  
of drain  
pipes.

28. The construction of any closet or other convenience which allows of the escape from it or from the drain or soil-pipe into the house of air or gas is prohibited.

Certain  
closets  
prohibited.



Pipes  
supplying  
water  
to closets.

29. No pipe supplying water to a water-closet or urinal shall be directly connected with a pipe supplying water for drinking purposes.

Plumbing  
and drain-  
age plans  
to be filed.

30. Every person who erects or causes to be erected any building shall, within two weeks after the completion thereof, deposit with the local board of health plans of the drainage and plumbing of the same as executed, and in the case of any alteration of any such plumbing or drainage, it shall be the duty of the owner of the house, within two weeks of the making of the alteration, to deposit in the same manner a plan of any such alteration. If such alteration is made by an occupant it shall be his duty to deposit or cause to be deposited the plan.

Rules re-  
specting in-  
fectious and  
contagious  
diseases.  
Duties of  
M. O. H.

31. The medical officer of health or the secretary of the local board of health shall provide each legally qualified medical practitioner, practising withing this municipality, with blank forms on which he shall report cases of communicable disease to the medical officer of health, officer or secretary, and, also, with other blank forms on which to report death or recovery from any such disease.

Forms,  
kind of.

32. All such forms shall be so printed, gummed and folded that they may be readily sealed, without the use of any envelope, and shall call for the following information:

*Report of Communicable Disease.*

Blank  
forms.

Christian name and surname of patient: '  
Age of patient:  
Locality (giving street, number of house or lot), where patient is:  
Name of disease:  
Name of school attended by children from that house:  
Measures employed for isolation and disinfection:  
(Signature of physician):  
.....

*Report of Death or Recovery from Infectious Disease.*

Christian name and surname of patient:  
Locality (giving street, number of house or lot), where patient is:  
Name of disease:  
How long sick:  
Whether dead or recovered:  
Means of disinfection employed, and when employed:  
(Signature of physician):  
.....

R.S.O. 1927, c. 262, Sched. B., *part.*

Placarding  
communi-  
cable  
disease and  
contacts.

33. The medical officer of health within six hours after he has received notice of the existence in any house of any communicable disease or the presence of any communicable disease contacts in respect of which it is his duty to do so, shall affix or cause to be affixed near the entrance of such house, in plain view of the public, a card at least twelve inches wide and nine inches long, stating that such premises are under quarantine on account of such disease and the penalty for removal of such card without the permission of the medical officer of health, and no person shall remove such card without his permission.  
1928, c. 45, s. 5.

Animals  
affected.

34. No animal suffering from any communicable disease shall be brought or kept within this municipality, except by permission of the medical officer of health.

Penalties.

35. Any person who violates section 4, 6, 7, 9, 11, 24, 33 or 34 of this by-law shall for every offence, incur a penalty of not less than \$5 nor more than \$50; and any person who violates any other provision of this by-law shall for every offence incur a penalty of not more than \$20; and such penalties shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.  
c. 136.

R.S.O. 1927, c. 262, Sched. B., *part.*



## CHAPTER 300.

## The Vaccination Act.

**1.** The trustees, governors, directors or other officers or persons having at any time the control and management of any hospital or dispensary receiving aid from the public funds of Ontario shall keep at all times in such hospital or dispensary an adequate supply of vaccine matter for,—

Duty of trustees, etc. of hospitals, etc., to keep vaccine matter.

(a) the vaccination, by a legally qualified medical practitioner attached to such hospital or dispensary, at the expense of the same, of all poor persons, and at their own expense of all other persons, who attend at such hospital or dispensary for that purpose, during one day in every week, the fee to be charged for such vaccination not in any case to exceed fifty cents, and to be used and applied for the benefit of the hospital or dispensary;

For vaccination at hospital.

(b) furnishing, on application, to every legally qualified medical practitioner, such reasonable quantities of vaccine matter as he from time to time requires;

For furnishing practitioners.

(c) furnishing, on application, to the Superintendent-General of Indian Affairs, or his assistant, or to any visiting Superintendent of Indian Affairs, such reasonable quantities of vaccine matter as he may from time to time require for the use and benefit of any settlement of Indians. R.S.O. 1927, c. 263, s. 1.

For the use of the Indians.

**2.** No warrant shall issue for the payment of any money granted by this Legislature to any hospital or dispensary, unless a certificate has been filed in the office of the Clerk of the Executive Council, signed by a medical officer of such hospital or dispensary, to the effect that there is actually on hand therein a supply of vaccine matter which is believed to be sufficient for the purposes mentioned in section 1 from the date of such certificate, or setting forth reasons in explanation of any deficiency in such supply to the satisfaction of the Lieutenant-Governor in Council, nor unless, nor until a certificate so signed has been filed to the effect that at no time since the date of the then last certificate, has the demand upon such hospital or dispensary for vaccine matter for such purposes exceeded the supply in hand in such hospital or dispensary, or setting forth reasons in explanations of any deficiency in

Non-payment of grant where non-compliance.

such supply, to the satisfaction of the Lieutenant-Governor in Council. R.S.O. 1927, c. 263, s. 2.

Annual statement respecting vaccination to be laid before Assembly.

**3.** The trustees, governors, directors or other officers or persons having for the time being the control and management of any hospital or dispensary to which aid has been granted during any session of the Assembly shall cause to be transmitted to the Provincial Secretary, in time for copies thereof to be laid before the Assembly during the first fifteen days of the then next session, a statement certified by the proper officers of such hospital or dispensary showing the number of persons who have applied for and received free vaccination, the number of persons who have applied for and received vaccination at their own expense, and the number, amount and application of fees charged and received for vaccination. R.S.O. 1927, c. 263, s. 3.

Employment by municipalities of medical practitioners to vaccinate residents.

**4.—(1)** The corporation of every city, town, township and village shall contract with one or more legally qualified medical practitioners, for the period of one year, and so from year to year as such contract expires, for the vaccination, at the expense of the corporation, of all poor persons, and at their own expense of all other persons resident in such municipality who come to such medical practitioners for that purpose.

Remuneration to depend on success.

**(2)** It shall be a condition of every such contract, that the amount of the remuneration to be received under the same shall depend on the number of persons who, not having been previously successfully vaccinated, are successfully vaccinated by such medical practitioners. R.S.O. 1927, c. 263, s. 4.

Powers of local board of health in default of municipality.

**5.—(1)** If the corporation neglects to make such contract and such neglect continues for one month after the attention of the council has been called in writing by the local board of health to such neglect, and to the powers which, in case of such neglect, it may exercise under the authority of this Act, the local board may contract with the medical officer of health of the municipality, or other legally qualified medical practitioner, to perform all the duties which may be performed by or are incumbent upon a medical practitioner under this Act if appointed or contracted with by the corporation under section 4, and the corporation shall be liable to the medical practitioner for the fees for vaccination or for duties performed to the extent provided for by this Act as if the contract had been made by or with the corporation.

Local board to appoint place and give notice.

**(2)** The local board of health may also, unless the council has already done so, appoint the places and give the notice

where and when such vaccination shall be performed, as is required by section 6, to be done by the council. R.S.O. 1927, c. 263, s. 5.

6. The council of every city and town shall appoint a convenient place in each ward, and the council of every township and village shall appoint a convenient place therein for the performance, at least once in each month, of such vaccination, and shall take effectual means for giving, from time to time, to all persons resident within each such ward or within the township or village due notice of the days, hours and place at which the medical practitioner or one of the medical practitioners contracted with for such purpose will attend to vaccinate all persons not successfully vaccinated who may then appear there, and also of the days, hours and place at which such medical practitioner will attend to inspect the progress of such vaccination in the persons so vaccinated. R.S.O. 1927, c. 263, s. 6.

7.—(1) The father and mother of every child born in such city, town, township, or village shall, at some appointed time within three months after the birth of such child, or in the event of the death, illness, absence or inability of the father and mother, then the person who has the care, nurture or custody of the child, shall at some appointed time within four months after the birth of the child, take or cause to be taken the child to the medical practitioner in attendance at the appointed place, according to the provisions of the preceding sections, for the purpose of being vaccinated, unless the child has been previously vaccinated by a legally qualified medical practitioner and the vaccination has been duly certified, and the medical practitioner so appointed shall thereupon, or as soon after as it can conveniently and properly be done, vaccinate the child.

(2) Upon the eighth day following the day on which any child has been so vaccinated, the father or mother, or other person having the care, nurture or custody of the child, shall again take or cause to be taken the child to the medical practitioner by whom the operation was performed, or the other medical practitioner in attendance, in order that he may ascertain by inspection the result of the operation.

(3) Immediately after the successful vaccination of a child born in any city, town, township or village the medical practitioner who performed the operation shall deliver to the father or mother, or other person having the care, nurture or custody of the child, a certificate under his hand (Form 1) that the child has been successfully vaccinated, and shall

Municipalities to appoint convenient places for performance of vaccination.

Parents, etc., bound to take children to be vaccinated,

and exhibit them to the medical practitioner on eighth day.

Certificate of successful vaccination to be given.

transmit a duplicate of the certificate to the clerk of the municipality in which the operation was performed.

What to be  
evidence of.

(4) Such certificate shall, without further proof, be admissible as evidence of the successful vaccination of the child in any information or complaint brought against the father or mother, or the person who had the care, nurture or custody of the child, for non-compliance with the provisions of this Act.

Where  
child  
found  
unfit for  
vaccina-  
tion.

(5) If the medical practitioner is of opinion that a child brought to him is not in a fit and proper state to be successfully vaccinated he shall deliver to the father or mother of the child, or the person having the care, nurture or custody of the child, on demand and without fee, a certificate under his hand (Form 2) that the child is in an unfit state for successful vaccination.

How long to  
be in force.

(6) Such certificate or a similar certificate of a legally qualified medical practitioner shall remain in force for two months from its delivery, and the father or mother, or the person having the care, nurture or custody of the child, unless within each succeeding period of two months a renewal of such certificate has been obtained from a legally qualified medical practitioner, shall, within two months after the delivery of the certificate, and if the child is not vaccinated by the termination of such period, then during each succeeding period of two months until the child has been successfully vaccinated, take or cause to be taken to the medical practitioner, so appointed, such child to be vaccinated by him.

Vaccina-  
tion and  
certificate  
thereof.

(7) If the medical practitioner deems the child to be then in a fit and proper state for successful vaccination, he shall forthwith vaccinate such child, and shall immediately after the successful vaccination of the child deliver to the father or mother, or the person having the care, nurture or custody of the child, a certificate under his hand (Form 1) that the child has been successfully vaccinated.

Certificate  
of unfitness  
for vaccina-  
tion on re-  
examina-  
tion.

(8) If the medical practitioner is of opinion that the child is still in an unfit state for successful vaccination he shall again deliver to the father or mother, or to the person having the care, nurture or custody of the child, a certificate under his hand (Form 2) that the child is still in an unfit state for successful vaccination, and the medical practitioner, so long as the child remains in an unfit state for vaccination and unvaccinated, shall, at the expiration of every succeeding period of two months, deliver, if required, to the father or mother, or to the person having the care, nurture or custody of the child, a fresh certificate under his hand (Form 2).



(9) The production of such certificate or a similar certificate from a legally qualified medical practitioner shall be a sufficient defence against any complaint brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act. Effect of certificate.

(10) If a medical practitioner employed under the provisions of this Act, or any other duly qualified medical practitioner, is of opinion that any child vaccinated by him is insusceptible of the vaccine disease, he shall deliver to the father or mother, or to the person having the care, nurture or custody of the child, a certificate under his hand (Form 3) and the production of the certificate shall be a sufficient defence against any complaint which may be brought against the father or mother, or person having the care, nurture or custody of the child, for non-compliance with the provisions of this Act. If the child is found insusceptible of vaccine disease.

(11) This section shall also apply to all children over the age of three months who become resident in a municipality, and such children shall, for the purposes of this section, be considered as children born in the municipality at the date on which they became resident within it. R.S.O. 1927, c. 263, s. 7. Children brought into municipality.

8. In all contracts made under the provisions of this Act the sums contracted to be paid shall not be more than twenty-five cents for each person successfully vaccinated, including all or any of the certificates required by this Act. R.S.O. 1927, c. 263, s. 8. Fees under this Act.

9. If the father or mother, or person having the care, nurture or custody of a child, does not cause the child to be vaccinated within the periods prescribed by this Act, or does not, on the eighth day after the vaccination has been performed, take or cause to be taken the child for inspection, according to the provisions of this Act, the father or mother, or other person so offending shall incur a penalty not exceeding \$5. R.S.O. 1927, c. 263, s. 9. Penalty for non-compliance with the requirements of this Act.

10.—(1) After the expiration of two months from the conviction of any person for an offence against this Act, in respect of any child, no plea of such conviction shall be a sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with the provisions of this Act in respect of the same child. How far and when plea of conviction shall avail.

Production  
of certifi-  
cates in  
defence.

(2) The production of a certificate (Form 1 or 3) under the hand of a legally qualified medical practitioner, shall be a sufficient defence against such complaint, but the production of a certificate (Form 2) shall not be a sufficient defence unless the vaccination is thereby postponed to a day subsequent to that on which the complaint is brought. R.S.O. 1927, c. 263, s. 10.

Enforcing  
vaccina-  
tion.

**11.**—(1) In every municipality where smallpox exists, or in which the Department of Health or local board of health has notified the council that in its opinion there is danger of its breaking out owing to the facility of communication with infected localities, the council of the municipality shall order the vaccination or re-vaccination of all persons resident in the municipality who have not been vaccinated within seven years, and that such vaccination or re-vaccination shall be carried out in so far as the same may be applicable in the same manner as the vaccination of children, except that a person of fourteen years of age or over, but under the age of twenty-one years, who is not in the custody or under the control of his father or mother or of any other person, and every person of twenty-one years or over, shall present himself for vaccination by the medical practitioner, or by some other legally qualified medical practitioner, and the medical practitioner shall adopt the same measures to secure the vaccination or re-vaccination of every such person as he is required to take with regard to children.

Proclama-  
tion by head  
of municipi-  
pality.

(2) A proclamation issued by the head of the municipality, and published in posters and in at least one newspaper published within the municipality, or, if there is no such newspaper, in at least one newspaper published in the county or district in which such municipality is situate, warning the public that this section is in force shall be sufficient evidence to justify the conviction of any person who has failed to comply with the law within a period of seven days from the publication of the proclamation.

Penalty for  
neglect by  
member of  
municipi-  
pality.

(3) Every member of a municipal council which neglects or refuses to make the order required by subsection 1 or to make proper provision for carrying the same into effect, shall incur a penalty not exceeding \$25, unless he proves that he did everything in his power to secure the making of the order or the making of proper provision for carrying any such order into effect, and causes his protest against such refusal or neglect to be recorded in the proceedings of the council.

By head of  
municipi-  
pality.

(4) If the head of a municipality neglects or refuses to issue and publish the proclamation required by subsection 2 he shall incur a penalty not exceeding \$25.

(5) Every person who willfully neglects or refuses to obey the order of the council shall incur a penalty not exceeding \$25. R.S.O. 1927, c. 263, s. 11. Penalty for neglect to obey order of council.

**12.—**(1) Where it is deemed necessary by the medical officer of health of any municipality, owing to the presence or threatened presence of smallpox, he may, with the approval of the local board of health, require certificates of successful vaccination or of insusceptibility on re-vaccination within seven years, of all pupils or students of a public, separate, continuation or high school or collegiate institute, and of a college or university, or of any other public or private institution of learning within the municipality, to be presented to the proper authorities of the institution, and no pupil or student refusing to produce such certificate on demand shall be admitted to further attendance in the institution until the certificate is furnished. Vaccination of pupils and students.

(2) Any principal, teacher, superintendent or officer of any such institution who commits or is party or privy to any contravention of subsection 1 shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 263, s. 12. Penalty.

**13.** Any person who by inoculation with or by wilful exposure to variolous matter or by any matter, article or thing impregnated with variolous matter, or wilfully by any other means produces or attempts to produce the disease of smallpox in any person, shall upon conviction thereof be liable to imprisonment for any term not exceeding one year. R.S.O. 1927, c. 263, s. 13. Penalty for inoculating with variolous matter.

**14.** If a legally qualified medical practitioner is convicted of an offence against section 13 his name shall be erased from the register of the College of Physicians and Surgeons of Ontario, but the medical council at any time after the expiration of the term of imprisonment of any such person may restore his name to the register. R.S.O. 1927, c. 263, s. 14. Erasure from register of College.

**15.** Every prosecution under this Act shall take place before a magistrate or two justices of the peace and *The Summary Convictions Act* shall apply thereto. R.S.O. 1927, c. 263, s. 15. Prosecutions. Rev. Stat., c. 136.

## FORM 1.

(Sections 7 and 10.)

## CERTIFICATE OF VACCINATION.

I, the undersigned, a legally qualified medical practitioner, hereby certify that \_\_\_\_\_, the child of \_\_\_\_\_, aged \_\_\_\_\_ of \_\_\_\_\_ Ward, in the City of \_\_\_\_\_ (or as the case may be), has been successfully vaccinated by me.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ A.B.

R.S.O. 1927, c. 263, Form 1.

## FORM 2.

(Sections 7 and 10.)

## CERTIFICATE OF UNFITNESS FOR VACCINATION.

I, the undersigned, a legally qualified medical practitioner, hereby certify that I am of opinion that \_\_\_\_\_ the child of \_\_\_\_\_ of \_\_\_\_\_ Ward, in the City of \_\_\_\_\_ (or as the case may be), aged \_\_\_\_\_, is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination until the \_\_\_\_\_ day of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ A.B.

R.S.O. 1927, c. 263, Form 2.

## FORM 3.

(Sections 7 and 10.)

## CERTIFICATE OF INSUSCEPTIBILITY TO VACCINE DISEASE.

I, the undersigned, a legally qualified medical practitioner, hereby certify that I am of opinion that \_\_\_\_\_ the child of \_\_\_\_\_ of \_\_\_\_\_ Ward, in the City of \_\_\_\_\_ (or as the case may be), is insusceptible of the vaccine disease.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ A.B.

R.S.O. 1927, c. 263, Form 3.



CHAPTER 301.

The Venereal Diseases Prevention Act.

1. In this Act,—

(a) “Department” shall mean Department of Health;

“Department.”

(b) “Local board” shall mean local board of health;

“Local board.”

(c) “Prescribed” shall mean prescribed by this Act or by the regulations;

“Pre-scribed.”

(d) “Regulations” shall mean regulations made under the authority of this Act or *The Public Health Act*;

“Regulations.”  
Rev. Stat., c. 299.

(e) “Venereal disease” shall mean and include syphilis, gonorrhœa and chancroid. R.S.O. 1927, c. 264, s. 1.

“Venereal disease.”

2.—(1) Whenever any person is under arrest or in custody charged with an offence against the *Criminal Code* or against any statute of Ontario or any by-law, regulation or order made under the authority thereof, or has been committed to a gaol, reformatory or other place of detention upon conviction of such offence, and the medical officer of health for the municipality or district believes that such person is, or may be, infected with, or has been exposed to infection from venereal disease, the medical officer of health may cause such person to undergo such physical examination as may be necessary, or as may be prescribed by the regulations in order to ascertain whether or not such person is infected with venereal disease.

(2) If upon such examination it is found that the person examined is so infected the medical officer of health shall give such directions for the treatment of the patient and, if necessary, for his detention and isolation and the prevention of infection from him as may be deemed proper and as may be authorized by the regulations, and he is hereby empowered to do and authorize any act necessary to effect the carrying out of such treatment, detention, isolation and prevention, and it shall be the duty of every such patient to carry out such directions as to treatment and of every constable, gaoler, warden, superintendent and officer having the care and custody of any infected person in any place of detention or in any hospital to see that the directions of the medical officer of health are duly carried out.

Duty of  
gaol  
surgeon, etc.

(3) It shall be the duty of every physician in medical charge of any gaol or place of detention or of the inmates thereof to report to the medical officer of health the name and place of detention whether before or after conviction of any person, whether included in the class mentioned in subsections 1 and 2 or not, whom he suspects or believes to be suffering from venereal disease, such report to be made within twenty-four hours after the time of arrival of such person in the gaol or place of detention. R.S.O. 1927, c. 264, s. 2.

Action by  
M.O.H. on  
informa-  
tion.

3.—(1) Subject to the regulations, where the medical officer of health is credibly informed that a person resident in the municipality or district for which the medical officer of health is appointed is infected with venereal disease and has infected or is liable to infect other persons, the medical officer of health may give notice in writing to such person requiring him to consult a legally qualified medical practitioner and to procure and produce to the medical officer of health within a time to be specified in the notice a report or certificate of such medical practitioner that the person so notified is or is not suffering from venereal disease.

Authority  
to examine.

(2) If such certificate is not produced within the time stated in the notice, the medical officer of health may, by writing signed by him authorize any legally qualified medical practitioner to examine such person and report or certify as to whether he is or is not suffering from venereal disease.

Powers of  
M.O.H. on  
report.

(3) If by the report or certificate mentioned in either subsection 2 or 3 it appears that the person so notified is suffering from venereal disease the medical officer of health may exercise the powers and duties as vested in him by subsection 2 of section 2 to such extent as he may deem necessary in the public interest or to the full extent therein provided.

Where  
patient's  
physician  
reports.

(4) If the person so notified produces a report or certificate from a legally qualified medical practitioner in the prescribed form stating that such person is suffering from venereal disease or if the report or certificate under subsection 2 is to the same effect the medical officer of health may, in place of proceeding under subsection 3, deliver to such person and to the legally qualified medical practitioner signing the said report or certificate directions in the prescribed form as to the course of conduct to be pursued by such person and may require him to produce from time to time such evidence as may be deemed advisable that such person is undergoing proper medical treatment and is in other respects carrying out such directions, but in case such person fails to comply with the course of conduct prescribed for him and to produce

the evidence hereinbefore referred to the medical officer of health may, as to such person, exercise any or all of the powers vested in him by subsection 2 of section 2. R.S.O. 1927, c. 264, s. 3 (1-4).

(5) No action or other proceeding shall be brought against any legally qualified medical practitioner in respect of any examination, report or certificate made or given by him under the provisions of this Act, unless and until the consent, in writing, of the Department to such action or other proceeding has been given, signed by the Minister of Health. R.S.O. 1927, c. 264, s. 3 (5); 1934, c. 62, s. 2.

Report or  
certificate  
not ground  
for action.

(6) The medical officer of health, or a legally qualified medical practitioner appointed by him in writing for that purpose, may enter in and upon any house, outhouse or premises, in the day-time, for the purpose of making inquiry and examination with respect to the state of health of any person therein, and may cause any person found therein who is infected with any venereal disease to be removed to a hospital or some other proper place, or may give such directions as may prevent others being infected in the said house, outhouse or premises.

Right of  
entry of  
M.O.H.

(7) The powers and duties by this section conferred or imposed upon the medical officer of health, may be exercised and performed by the Department in any case in which the Department deems such action expedient.

Powers of  
Depart-  
ment.

(8) Where the person infected with venereal disease is a child under the age of sixteen years, all notices, directions or orders required or authorized by this Act, or by the regulations to be given in respect of such person shall be given to the father or mother, or in case of the death, absence, illness or inability of the father and mother then to the person having for the time being custody of the child, and it shall be the duty of such father or mother or other person to see that such child complies in every respect with every such notice and with any order or direction made in respect of such child by the medical officer of health, and in default the father or mother or other person as the case may be shall be liable to the penalties provided by this Act or by the regulations for non-compliance with such notice, direction or order unless on any prosecution in that behalf such person proves that he did everything in his power to cause such child to comply with the same. R.S.O. 1927, c. 264, s. 3 (6-8).

Where  
person  
infected is  
under  
sixteen  
years of  
age.

4.—(1) Every hospital receiving aid from Ontario under *The Public Hospitals Act* shall make effective provision for the examination and treatment, upon such terms as may be prescribed, of such persons or classes of persons suffering

Hospitals  
to make  
provision  
for treat-  
ment.  
Rev. Stat.,  
c. 390.

from venereal disease as may by the regulations be declared fit to be treated at such hospital, and in case of default, the Treasurer of Ontario may withhold from any hospital the whole or any part of such grant which would otherwise be payable.

Designation of place of detention or treatment.

(2) The Lieutenant-Governor in Council shall have power to designate any hospital or other public institution or portion of any such hospital or institution under its jurisdiction or any house or building as a hospital or place of detention or isolation for the reception and treatment of any person suffering from venereal disease. R.S.O. 1927, c. 264, s. 4.

Supply of drugs, etc., by unqualified persons prohibited.

**5.**—(1) No person other than a legally qualified medical practitioner shall attend upon or prescribe for or supply or offer to supply any drug, medicine, appliance or treatment to or for a person suffering from venereal disease for the purpose of the alleviation or cure of such disease.

Penalty.

(2) Every person guilty of a contravention of subsection 1 shall incur a penalty of not less than \$100 and not more than \$500.

Exception as to chemists.

(3) Subsection 1 shall not apply to a registered pharmaceutical chemist who dispenses to a patient of a legally qualified medical practitioner the prescription of such practitioner or who sells to any person any patent or proprietary or other medicine, drug or appliance approved of by the regulations for the cure or alleviation of venereal disease. R.S.O. 1927, c. 264, s. 5.

Unlawful advertisements, etc.

**6.**—(1) Every person who,—

- (a) publishes or causes or allows to be published in a newspaper or magazine or other periodical publication any notice, advertisement, statement, testimonial, letter or other matter;
- (b) issues or publishes or causes to be issued or published any book, almanac, pamphlet, fly-sheet, document or other matter;
- (c) posts up or exhibits in any place so as to be visible to persons being in or passing along any street, highway, railway or public place, any notice, statement, advertisement, testimonial, letter or other matter;
- (d) distributes, circulates or delivers or sends by post to any person any pamphlet, circular, notice, statement, advertisement, testimonial, letter or other matter;



intended to recommend or suggest the purchase of or to promote the sale of any article as a drug, medicine, appliance or instrument or as part of any treatment for the alleviation or cure of any venereal disease or of any disease or affection of the genito urinary organs or intended to convey an offer to give or prescribe any form of treatment for any of the aforesaid diseases, shall incur a penalty of not less than \$100 nor more than \$500, and in default of immediate payment thereof shall be imprisoned for a period not exceeding twelve months.

(2) Subsection 1 shall not apply to any such article which has been approved by regulations nor to books, documents and papers or other matter published in good faith for the advancement of medical or surgical science. Exceptions.

(3) Before any proceedings are taken under this section against any newspaper proprietor, printer or publisher for printing or publishing or allowing to be published any notice, advertisement, statement, testimonial, letter or other matter in a newspaper the Department shall notify the proprietor, printer or publisher that the publication complained of is an infringement of this Act, and he shall not be liable to prosecution except in respect of an offence of the same or a similar nature after such notification. Notice to newspapers before proceedings.

(4) Any of the matters or things prohibited by this section may be restrained by injunction or order in an action in a county or district court having local jurisdiction or in the Supreme Court, but such proceedings shall not prevent, delay or in any way be a bar to any prosecution or other proceedings authorized by this Act. R.S.O. 1927, c. 264, s. 6. Restraining publication, etc., by injunction or order.

7. Every person who, knowing or having reason to believe that he is or may be infected with venereal disease, does or suffers any act which leads or is likely to lead to the infection of any other person with such disease shall incur a penalty of not less than \$100, nor more than \$500, and in default of immediate payment thereof shall be imprisoned for a period not exceeding twelve months. R.S.O. 1927, c. 264, s. 7. Spreading infection. Penalty.

8. Every person who,— Offences.

- (a) contravenes any provision of this Act or of the regulations for which no other penalty is provided by this Act;
- (b) wilfully neglects or disobeys any order or direction lawfully given by a medical officer of health or by the Department or a local board under this Act or the regulations;

(c) hinders, delays or obstructs any officer in the performance of his duties under this Act; or

(d) without lawful authority publishes or discloses any proceedings taken under this Act or the regulations;

Penalty. shall, where no other penalty or proceedings are prescribed or authorized incur a penalty of not less than \$25 nor more than \$100, and in default of immediate payment shall be imprisoned for a period not exceeding three months. R.S.O. 1927, c. 264, s. 8.

Statements  
as to  
existence  
of disease.

**9.**—(1) Every person who, publicly or privately, verbally or in writing, directly or indirectly, states or intimates that any other person has been notified or examined or otherwise dealt with under the provisions of this Act, whether such statement or intimation is or is not true, in addition to any other penalty or liability, shall incur a penalty of \$200, and in default of immediate payment shall be imprisoned for a period of not more than three months.

Penalty.

Exceptions.

(2) Subsection 1 shall not apply to disclosures made in good faith to a medical officer of health for his information in carrying out the provisions of this Act, nor to any communication or disclosures made to a legally qualified medical practitioner or in the course of consultation for treatment for venereal disease, nor to any communication authorized or required to be made by this Act or the regulations. R.S.O. 1927, c. 264, s. 9.

Prosecu-  
tions.

**10.** *The Summary Convictions Act* shall apply to prosecutions under this Act or the regulations but all proceedings for the recovery of penalties under this Act, except those authorized by section 6 shall be conducted in camera and no report of such proceedings shall be published in any newspaper. R.S.O. 1927, c. 264, s. 10.

Proceed-  
ings in  
camera.

Rev. Stat.,  
c. 136.

Obligation  
as to  
observance  
of secrecy.

**11.** Every person employed in the administration of this Act shall preserve secrecy with regard to all matters which may come to his knowledge in the course of such employment, and shall not communicate any such matter to any other person except in the performance of his duties under this Act, and in default he shall in addition to any other penalty, forfeit his office or be dismissed from his employment. R.S.O. 1927, c. 264, s. 11.

Penalty.

Regula-  
tions.

**12.**—(1) The Department, subject to the approval of the Lieutenant-Governor in Council, may make regulations.—

- (a) prescribing the forms of notices and certificates to be given or issued under this Act; Forms.
- (b) declaring what shall be deemed to be lawful and proper methods and remedies for the treatment, alleviation and cure of venereal disease, and requiring all advertisements, statements, testimonials, letters or other matters of, or regarding such methods and remedies to state the date and number of the official approval of the same and such other information as may be deemed desirable; Treatment and remedies.
- (c) prescribing the course of conduct to be pursued by any person infected with venereal disease in order to effect a cure and to prevent the infection of other persons; Conduct of patient.
- (d) for distributing to medical practitioners and hospitals such information as to the treatment, diet, and care of persons suffering from venereal disease and requiring medical practitioners and hospitals to distribute the same to such persons; Distribution of information.
- (e) prescribing rules for the treatment of such persons in hospitals, places of detention and other institutions; Regulating treatment.
- (f) for preventing the spread of infection from persons suffering from venereal disease; Preventing infection.
- (g) requiring medical practitioners, hospital superintendents and heads of places of detention and public institutions to make reports upon the cases of venereal disease coming under their treatment or care but, except where it is otherwise provided in this Act, without disclosing the name or address of any person suffering from venereal disease, and prescribing the form of such reports; Reports from physicians, etc.
- (h) providing for the putting up of notices and placards dealing with venereal disease, its cause, manifestation, treatment and cure in all public urinals and conveniences and similar places; Notices.
- (i) providing for public advertising and placarding of such information relative to the treatment and cure of venereal disease and the places where proper remedies can be obtained as may seem desirable; Publication of information as to treatment, etc.
- (j) imposing penalties for the violation of any provision of this Act or anything covered by this Act or any regulation; Penalties.

Procedure  
on appeals  
to Depart-  
ment.

(k) prescribing the procedure to be adopted and the evidence to be required in case of an appeal to the Department from any action or decision of a medical officer of health under this Act;

Detention  
for examin-  
ation or  
cure.

(l) providing for the procedure relative to detention for the purpose of examination or cure or the prevention of infection, so as not to interfere with the course of justice in case of persons under arrest or in custody previous to trial for any offence committed against the provisions of this Act or anything therein authorized or under any other statute or the *Criminal Code*;

R.S.C.,  
c. 36.

Examina-  
tion of  
suspected  
patients.

(m) prescribing the method and extent of the examination of any person with a view to ascertaining whether or not such person is infected with venereal disease;

Generally.

(n) generally for the better carrying out of the provisions of this Act and for the prevention, treatment and cure of venereal disease.

Expenses  
of free dis-  
tribution.

(2) The Department, with the approval of the Lieutenant-Governor in Council, may, out of any moneys appropriated by the Legislature for the purposes of the Department, provide for the payment of the expenses incurred in carrying out any regulation made under subsection 1 for the prevention, treatment or cure of venereal diseases including the manufacture and free distribution to local boards and to medical practitioners and hospitals of any drug, medicine, appliance or instruments which the Department may deem useful or necessary for the alleviation, treatment or cure of venereal disease or the prevention of infection therefrom. R.S.O. 1927, c. 264, s. 12.

Payment of  
expenses  
by munic-  
ipality.

**13.**—(1) The treasurer of the municipality shall forthwith, upon demand, pay the amount of any account for services performed therein under the direction of the local board and for materials and supplies furnished, or for any expenditure incurred by the local board or by the medical officer of health in carrying out the provisions of this Act, or the regulations, after the local board has, by resolution, approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer.

Recovery of  
expenses.

(2) The corporation of the municipality shall be entitled to recover the amount expended in providing such medical attendance, medicine, nurses and other assistance and necessities for any person having any venereal disease from such person, but not the expenditure incurred in providing a separate house or in otherwise isolating him except where



such isolation is provided in an hospital or other place designated as such under this Act.

(3) The name of any person suffering or suspected to be suffering from any venereal disease shall not appear on any account for services rendered in connection with the treatment therefor by any local board or medical officer of health or other officer or person, but the case may be designated by a number or otherwise and it shall be the duty of every board to see that secrecy is preserved so far as possible. R.S.O. 1927, c. 264, s. 13 (1-3). Secrecy as to name.

(4) Every person contravening the provisions of subsection 3 shall be guilty of an offence and shall incur the penalties provided by sections 8 and 11. R.S.O. 1927, c. 264, s. 13 (4); 1937, c. 72, s. 60. Penalty.

**14.**—(1) Every person who deems himself aggrieved by any action or decision of a medical officer of health under this Act may appeal therefrom to the Department by giving notice in writing to the Department and to the medical officer of health. Appeal to Department.

(2) The Department may require the appellant to furnish such information and evidence and to submit to such examination as may be prescribed or as the Department may deem necessary to determine the matter in dispute. Evidence on appeal.

(3) The decision of the Department shall be final. R.S.O. 1927, c. 264, s. 14. Decision of Department to be final.

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## 8. PREVENTION OF FRAUDS.

## CHAPTER 302.

## The Milk and Cream Act.

Interpre-  
tation,—  
"municipi-  
pality."

**1.** In this Act "municipality" shall not include county.  
R.S.O. 1927, c. 265, s. 1.

Powers of  
municipal  
councils.

**2.** The council of every municipality may pass by-laws for regulating milk or cream produced for sale, offered for sale or sold within such municipality as to the,—

- (a) care of cows producing milk for sale for domestic consumption;
- (b) cleanliness, ventilation and sanitary conditions of the places in which cows are kept or milked or in which milk or cream is stored;
- (c) water supplied to cows;
- (d) care and cleansing, construction and type of all utensils used in handling milk or cream whether by producers, carriers or vendors;
- (e) care, storage, transportation and distribution of milk by producers, carriers or vendors;
- (f) making of bacteriological tests for the purpose of ascertaining the wholesomeness of milk or cream offered for sale by any producer, carrier or vendor; and
- (g) other matters regarding the production, care, transportation or sale of milk or cream which the council may deem necessary;

Approval of  
regulations.

and upon such regulations being approved in writing by the Minister of Agriculture, they shall apply to all milk produced for sale, offered for sale or sold within such municipality.  
R.S.O. 1927, c. 265, s. 2.

By-laws  
regulating  
the granting  
of licenses.

**3.—**(1) The council of every municipality may pass by-laws for licensing and regulating the granting of licenses to vendors of milk or cream for human consumption, and may refuse or cancel such licenses.

(2) No person shall sell milk or cream in a municipality in which such by-laws are in force without first obtaining a license therefor. R.S.O. 1927, c. 265, s. 3.

Not to be sold without a license.

4.—(1) The council of any municipality may pass by-laws fixing the standards for butter fat in cream, and the butter fat and total solids in milk sold in such municipality, but no cream containing less than sixteen per centum butter fat or milk containing less than eleven and three-quarters per centum total solids of which three and one-quarter per centum is butter fat, shall be sold for human consumption.

By-laws fixing standards of butter fat and solids.

(2) No person shall place any preservative in milk or cream intended for human consumption, or sell or offer for sale to any vendor, milk from which any part of the butter fat has been removed, or to which water has been added, or which has otherwise been changed from its normal condition, without previously giving notice in writing of such change to such vendor.

Preservatives, etc., not to be used.

(3) No vendor of milk or cream shall sell or offer for sale milk or cream not complying with the standard, or milk from which butter fat has been removed, or to which water has been added, or which has otherwise been changed from its normal condition, without clearly and distinctly advertising the same in the manner prescribed by the by-law of the municipality in which it is sold. R.S.O. 1927, c. 265, s. 4.

Departures from standard or normal condition must be advertised.

5.—(1) The council of every municipality may by by-law appoint an inspector or inspectors for the enforcement of this Act and any by-law passed hereunder, and every such inspector may prohibit the sale, within the municipality for which he is inspector, of milk or cream for human consumption which, in his judgment, is produced or handled contrary to the provisions of this Act or the by-law.

Appointment of municipal inspectors.

(2) Every such inspector may inspect the premises of every vendor licensed to sell milk or cream within the municipality to see that the requirements of this Act and the by-laws are fully complied with, and may take samples of milk or cream for examination and testing.

Powers of inspectors.

(3) Every such inspector may enter the premises, wherever located, of every person producing milk or cream for sale or consumption within the municipality, fully inspect the same and take for examination and testing samples of milk or cream produced therein and of the water supplied to cows or used in cleansing dairy utensils.

Right to enter, take samples, etc.

Inspecting  
and taking  
samples in  
transit.

(4) Every such inspector may inspect and take samples of milk or cream for sale or consumption within the municipality while in transit, and may enter any premises in order to procure samples of such milk or cream.

Publication  
of tests.

(5) The result of all such tests shall be open to public inspection at all reasonable times and may be published by the medical officer of health of the municipality. R.S.O. 1927, c. 265, s. 5.

Milk from  
diseased  
cows.

**6.**—(1) There shall not be sold milk or cream from any cow which upon physical examination by a duly qualified veterinary surgeon, is declared to be suffering from tuberculosis of the udder or milk glands, or whose milk, upon bacteriological or microscopical analysis is shown to contain tubercule bacilli or which is known to be suffering from splenic fever or anthrax or any other general or local disease which is liable to render milk or cream from such cow dangerous to health.

Idem.

(2) Where an inspector suspects that a cow is affected with any of such diseases, he shall notify the owner that the milk or cream of such cow must not be sold or offered for sale until a permit has been granted by the board of health of the municipality in which such milk is to be consumed, and after such notice is given, the milk or cream from such cow shall not be sold until the permit is granted. R.S.O. 1927, c. 265, s. 6.

Persons  
suffering  
from  
diseases  
not to be  
employed.

**7.** No person suffering from, or who has knowingly, within a time prescribed by the regulations of the Department of Health, been exposed to diphtheria, scarlet fever, typhoid fever, erysipelas, smallpox, chickenpox, measles, glanders, anthrax, venereal disease or any infectious skin disease shall work or assist in the production, transportation or vending of milk or cream, and no owner, manager or superintendent of any dairy or dairy farm shall knowingly permit any person so suffering or exposed, to work or assist in the production, transportation or vending of milk or cream, and the sale of milk or cream produced or handled under such circumstances may be prohibited by the inspector. R.S.O. 1927, c. 265, s. 7.

Use and  
cleansing  
of utensils.

**8.** Cans, bottles or other utensils used in the distribution of milk or cream shall not be used for any other purpose, and shall be thoroughly cleansed before being again used. R.S.O. 1927, c. 265, s. 8.

Municipal  
milk depots.

**9.** The council of every municipality may establish and maintain or assist by annual grant or otherwise in the establishment and maintenance of milk or cream depots in order to furnish a special supply of milk to infants. R.S.O. 1927, c. 265, s. 9.



**10.**—(1) The term “certified” shall not be applied to any milk unless,— Use of word “certified.”

- (a) it is taken from cows semi-annually subjected to the tuberculin test and found without reaction; Conditions.
- (b) it contains not more than 10,000 bacteria per cubic centimetre from June to September, both inclusive, and not more than 5,000 bacteria per cubic centimetre from October to May, both inclusive;
- (c) it is free from blood, pus, or disease producing organisms;
- (d) it is free from disagreeable odour or taste;
- (e) it has not undergone pasteurization or sterilization and is free from chemical preservatives;
- (f) it has been cooled to forty-five degrees Fahrenheit or under within half an hour after milking; and kept at that temperature until delivered to the consumer;
- (g) it contains twelve to thirteen per centum of milk solids, of which at least three and one-half per centum is butter fat;
- (h) it is from a farm the herd of which is inspected monthly by a duly qualified veterinary surgeon, and the employees of which are examined monthly by a legally qualified medical practitioner.

(2) No milk shall be sold as “certified” unless a certificate Duration of certificate. setting forth that the above conditions have been complied with has been obtained within one year from the medical officer of health of the municipality in which it is to be consumed or from an incorporated society of medical practitioners in Ontario. R.S.O. 1927, c. 265, s. 10.

**11.** The word “pasteurized” shall not be applied to any milk unless all portions of it have been subjected for at least twenty and not more than thirty minutes to a temperature of not less than one hundred and forty and more than one hundred and fifty degrees Fahrenheit and then at once cooled to forty-five degrees Fahrenheit or under and kept at that temperature until delivered to the consumer, and the process of pasteurization shall be subject to inspection by the local medical officer of health or such inspector as he may designate. Use of word “pasteurized.” R.S.O. 1927, c. 265, s. 11.

**12.** Any person contravening any of the provisions of this Act or of any by-law passed hereunder shall incur a penalty of not less than \$1 nor more than \$50 recoverable under *The Summary Convictions Act*. Penalties. Rev. Stat. c. 136. R.S.O. 1927, c. 265, s. 12.

## CHAPTER 303.

## The Milk, Cheese and Butter Act.

Interpre-  
tation.

"Cheese  
factory,"  
"Creamery,"  
"Minister,"  
Rev. Stat.  
c. 304.

"Factory."

**1.** In this Act,—

- (a) "Cheese factory," "creamery" and "Minister" shall have the same meaning as in *The Dairy Products Act*; R.S.O. 1927, c. 266, s. 1.
- (b) "Factory" shall mean and include a cheese factory or butter manufactory, condensed milk factory, creamery, milk powder factory, milk or cream shipping or receiving station or other premises where milk and cream is collected for sale or shipment or manufacture. (*See* 1930, c. 53, s. 1, cl. f.)

Power to  
make rules.

**2.** The owners or board of management of a factory may make such rules and regulations as may be deemed advisable for the due carrying on of the business of the factory. R.S.O. 1927, c. 266, s. 2.

Rules to be  
binding on  
patrons, etc.

**3.** The patrons of all factories may be required to subscribe their names to such rules and regulations, and the same shall be binding on them and on the owners and board of management. R.S.O. 1927, c. 266, s. 3.

## PREVENTION OF FRAUDS.

Right to  
test milk.

**4.**—(1) The owner or manager of a factory may require the owner or custodian of a cow whose milk is being bought for, or supplied or sent to the factory to submit such cow, at the premises where it is usually kept, to such milk test by persons named by such owner or manager as may be necessary for them to ascertain the quantity and quality of the milk of such cow on any day as may be appointed by such owner or manager.

Interfering  
with test.

## (2) If the owner or custodian refuses to so submit the cow or obstructs the persons making the milk test, or interrupts the test, or interferes in any way with it he shall for every such offence incur a penalty of not less than \$10 nor more than \$100. R.S.O. 1927, c. 266, s. 4.

Right to  
take  
samples  
of milk.

**5.**—(1) The owner or manager of a factory who suspects any person selling, supplying, sending or bringing milk to the factory, of an offence against this Act, may enter upon,

or may appoint some person or persons to enter upon, and such person or persons may enter upon the premises of the suspected person, with or without notice, and take samples of milk from any cow from which the supposed offender was, or had been immediately before then, procuring the milk or part of the milk so sold, supplied, sent or brought.

(2) Any such suspected person who obstructs or refuses to permit the taking of any such sample shall incur a penalty of not less than \$10 nor more than \$50. R.S.O. 1927, c. 266, s. 5. Interfering with taking of samples.

**6.** No person shall sell, supply, bring or send to a factory, or the owner or manager thereof, milk diluted with water or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as skimmed milk, or milk in which any preservative is contained without distinctly notifying in writing the owner or manager of such factory of the fact. R.S.O. 1927, c. 266, s. 6. Notice to be given when milk diluted, etc.

**7.** No person who, in the course of his business, agrees to sell, supply, bring or send to a factory, or the owner or manager thereof, to be manufactured, the milk of any cow shall, in the course of such dealing and business, keep back any part of the milking of such cow without distinctly notifying in writing the owner or manager of such factory what portion of the milk he has so kept back. R.S.O. 1927, c. 266, s. 7. Notice to be given when any part of milk is kept back.

**8.** No person shall sell, supply, bring or send to a factory, or the owner or manager thereof, to be manufactured any milk tainted or partly sour without distinctly notifying in writing the owner or manager of such factory of the fact. R.S.O. 1927, c. 266, s. 8. Notice to be given when milk tainted.

**9.** Every person supplying milk or cream to a factory shall keep his dairy, milk house, milk stand, vessels and equipment used for storing or carrying milk or cream in a clean and sanitary condition. R.S.O. 1927, c. 266, s. 9. Premises to be clean and sanitary.

**10.—(1)** Every factory and its surroundings shall be kept in a clean and sanitary condition, and all the water used therein for the manufacture of any dairy product shall be clean and pure. Creameries and cheese factories to be kept clean.

(2) The owner or manager of a factory who refuses or neglects to observe the provisions of this section after being warned or advised by a dairy inspector shall incur a penalty of not less than \$5 or more than \$200. R.S.O. 1927, c. 266, s. 10. Penalty.

Appoint-  
ment of  
inspectors.

**11.**—(1) Upon the recommendation of the Minister the Lieutenant-Governor in Council may appoint one or more persons as inspectors for enforcing the provisions of this Act who shall be known as dairy inspectors.

Remunera-  
tion.

(2) The Lieutenant-Governor in Council may determine the remuneration to be paid to such inspectors. R.S.O. 1927, c. 266, s. 11.

Powers of  
inspectors.

**12.**—(1) Every dairy inspector shall have free access and admission to every factory and to all the land adjoining the same and to the premises of all persons supplying milk or cream to any cheese factory or creamery.

Taking  
samples of  
milk.

(2) Every such inspector may take and test samples of milk found in a factory or in transit between a producer and a factory.

Idem.

(3) Every such inspector may take and test samples of milk found upon the premises of producers supplying milk to a factory, and may take and test samples from cows which have been producing milk to be sold to factories.

Obstructing  
inspection.

(4) Any person refusing admission or offering obstruction to the work of inspection or of taking samples or testing the same shall incur the penalty provided by section 14.

Inspectors  
may take  
samples.

(5) Every inspector may at any time take samples for testing any product manufactured in any factory. R.S.O. 1927, c. 266, s. 12.

Report of  
inspector.

**13.** Every inspector shall make such reports and in such form as the Minister may direct. R.S.O. 1927, c. 266, s. 13.

#### PENALTIES.

Penalty for  
violations  
of ss. 6, 7, 8,  
9 and 12.

**14.**—(1) Any person who, by himself or by his servant or agent, contravenes any of the provisions of sections 6, 7, 8, 9 and 12 shall incur a penalty of not less than \$5 or more than \$50.

Evidence  
for viola-  
tions of  
s. 6 or 7.

(2) For the purpose of establishing the guilt of any person under section 6 or 7 it shall be sufficient *prima facie* evidence to show that such person, by himself, his servant or agent, sold, supplied, sent or brought to be manufactured to a factory milk which, by comparison made by means of a lactometer and Babcock Tester, was substantially below the standard of that actually drawn, or by the accused represented as having been drawn from the same cows within two weeks.



(3) In a complaint under section 6, 7, 8, 9 or 12 and in a conviction thereon, the milk may be described as deteriorated milk without specification of the cause or mode of deterioration, and the matter complained of may be declared and shall be held to have arisen within the meaning of *The Summary Convictions Act* at the place where the milk was to be manufactured notwithstanding that the deterioration was affected elsewhere. R.S.O. 1927, c. 266, s. 14.

Description  
of offence  
in informa-  
tion or  
complaint.

Rev. Stat.  
c. 136.

**15.** A pecuniary penalty under section 14 in respect of selling, supplying or bringing milk to a factory shall when recovered be payable one-half to the informant and the other one-half to the owner of the factory to which the milk was sold, supplied, sent or brought in contravention of any of the provisions of this Act to be distributed among the patrons thereof in proportion to their respective interests in and profits thereof. R.S.O. 1927, c. 266, s. 15.

Appropriation  
of  
penalties.

**16.**—(1) The owner or manager of a factory, who knowingly and fraudulently uses or directs any of his employees to use for his or their individual benefit any cream from the milk brought to the factory without the consent of all the owners thereof shall for every offence incur a penalty of not less than \$1 or more than \$50, which when recovered shall be payable one-half to the informant and the other one-half to the treasurer of the municipality in which the offence was committed.

Fraudulent  
use of cream  
from milk  
supplied.

Penalty.

(2) Any person aggrieved by such fraudulent conduct may at his election recover from the offender by action the amount of damages sustained. R.S.O. 1927, c. 266, s. 16.

Civil  
remedy.

**17.** Prosecutions under this Act shall be before a magistrate or two justices of the peace, and the provisions of *The Summary Convictions Act* shall otherwise apply. R.S.O. 1927, c. 266, s. 17.

Prosecu-  
tions.

Rev. Stat.  
c. 136.

**18.** Nothing in this Act shall apply to milk sold or offered for sale for human consumption. R.S.O. 1927, c. 266, s. 18.

Application  
of Act.

## CHAPTER 304.

## The Dairy Products Act.

Interpre-  
tation.**1.** In this Act,—

"Board."

(a) "Board" shall mean the Milk Control Board of Ontario;

"Cheese  
factory."

(b) "Cheese factory" shall mean the place to which the milk from the herds of five or more persons is brought for the purpose of being manufactured into cheese for public sale;

"Creamery."

(c) "Creamery" shall mean the place to which milk or cream from the herds of five or more persons is brought for the purpose of being manufactured into butter or is made into butter for public sale;

"Inspector."  
Rev. Stat.  
c. 303.(d) "Inspector" shall mean inspector appointed under *The Milk, Cheese and Butter Act*, or this Act;

"Minister."

(e) "Minister" shall mean Minister of Agriculture;

"Patron."

(f) "Patron" shall mean one who habitually sells milk or cream at a plant;

"Plant."

(g) "Plant" shall mean and include a cheese factory or butter manufactory, condensed milk factory, creamery, milk powder factory, milk or cream shipping or receiving stations and any other premises where milk and cream are received to be manufactured into cheese or butter or for sale or shipment or distribution for human consumption;

"Regulations."

(h) "Regulations" shall mean regulations made under the authority of this Act. 1930, c 53, s. 2; 1937, c. 16, s. 2.

Construc-  
tion of  
cheese  
factory,  
etc.

**2.**—(1) A building shall not be used or constructed or reconstructed for use as a cheese factory, creamery, milk or cream shipping or receiving station unless the Minister has granted permission therefor in writing which may be granted after receipt by him of a certificate from the Board that such building is required, and in such determination the Board shall have regard to the sufficiency of water supply, sewage disposal facilities and the supply of milk and cream in the locality of the proposed building and whether it is in the interests of the local milk producers as related to the dairy industry as a whole.

(2) Every such building shall comply with the following Specifications of factory. requirements,—

- (a) the foundation shall be substantial and shall be constructed of stone or concrete;
- (b) the floors shall be constructed of concrete or suitable tile;
- (c) the outlets for waste water shall be fitted with bell traps, and such waste water shall be conducted to a septic tank, cesspool, underground drain or sewer in such manner that the building may be kept clean and sanitary;
- (d) the interior walls, partitions and ceilings shall be covered with lumber, plaster, cement or other material suitable for painting or tinting;
- (e) the ceilings of the workrooms shall be not less than ten feet from the floor;
- (f) the containers for whey, buttermilk and skim milk shall be capable of being emptied readily and capable of being kept clean and sanitary and such containers shall not be placed in or under the ground;
- (g) every window, outside door and weighing or receiving platform shall be constructed so as to prevent the entry of flies to the workrooms.

(3) The Minister may upon recommendation of the Board License to operate. grant licenses for the operation of cheese factories, creameries, and milk or cream shipping or receiving stations, and may cancel or suspend any such license.

(4) No cheese factory, creamery or milk or cream shipping Penalty for operating without license. or receiving station shall be operated without a license, and any owner or other person operating any such cheese factory, creamery or milk or cream shipping station shall in addition to any other penalty provided by this Act be liable to a penalty of \$10 for every day during which any violation of this section continues.

(5) The Minister, with the consent of the Lieutenant-Gov- Regulations. ernor in Council, may make regulations prescribing information to be furnished, forms to be used and fees to be paid on any application made under the provisions of this section. 1937, c. 16, s. 3.

3. Upon the report of an inspector that any cheese factory Minister may order closing of unsanitary premises. or creamery is not in a satisfactory sanitary condition or lacks proper equipment for the manufacture or collection of dairy

products, or that unsanitary conditions exist in or about the premises, the Minister may order the same to be closed forthwith and they shall be kept closed until the Minister certifies upon the report of the inspector that they have been put into a satisfactory sanitary condition and properly equipped for the manufacture or collection of dairy products. 1930, c. 53, s. 4.

Basis of  
payment  
for milk  
and cream.

4.—(1) All milk and cream received at a plant shall be paid for,—

(a) on the basis of its fat content as determined by the Babcock test; or

(b) on the basis of its fat content as determined by the Babcock test plus the factor 2 in the case of milk received for cheesemaking only.

Measuring  
fat content  
of milk.

(2) In determining the fat content of milk supplied to a plant the measuring pipette shall have a capacity of 17.6 cubic centimetres officially stamped.

Measuring  
fat content  
of cream.

(3) In determining the fat content of cream supplied to a plant the sample of cream taken for testing shall be weighed into a test bottle officially stamped and shall weigh 9 or 18 grams. 1930, c. 53, s. 5.

Grading  
cream at a  
creamery.

5. All cream used in the manufacture of butter shall be graded at a creamery and payment for the cream shall be based on such grades. 1930, c. 53, s. 6.

Basis of  
grading  
cream for  
butter.

6. For the purpose of determining standards of grades of cream for butter-making purposes at a creamery the basis of grading shall be:

(a) Special grade;

(b) First grade;

(c) Second grade;

(d) Off grade.

1930, c. 53, s. 7.

Pasteurizing  
cream.

7. All cream received at a creamery shall be properly pasteurized before being used for butter-making purposes. 1930, c. 53, s. 8.

Certificate  
of quali-  
fication  
required.

8. At every plant the selecting, grading, or rejecting of milk, the grading of cream, the weighing, sampling and testing of milk and cream, the manufacturing of cheese and butter shall be performed or supervised by the holder of a permit or certificate of qualification granted under the provisions of section 9. 1930, c. 53, s. 9.



**9.** Certificates of qualification shall be granted annually as follows: Graded certificates.

(a) First-class certificates to cheesemakers and to butter-makers;

(b) Second-class certificates to cheesemakers and to butter-makers;

(c) Permit certificates to cheesemakers and to butter-makers;

(d) Certificates to milk and cream testers and to milk and cream graders. 1930, c. 53, s. 10.

**10.** Certificates shall be granted by the Minister on the recommendation of the Director of Dairying. 1930, c. 53, s. 11. Granting certificates.

**11.** The Minister may on the recommendation of the Director of Dairying cancel or suspend any certificate on the ground that the holder is not complying with this Act and the regulations. 1930, c. 53, s. 12. Cancelling or suspending certificates.

**12.** A person whose certificate has been cancelled or suspended may be reinstated by the Minister upon the recommendation of the Director of Dairying. 1930, c. 53, s. 13. Reinstatement.

**13.** When the whey at any plant is returned in the patrons' cans it shall be properly pasteurized and the whey tanks kept in a clean, sanitary condition. 1930, c. 53, s. 14. Pasteurizing whey.

**14.** The Minister may with the consent of the Lieutenant-Governor in Council make regulations fixing the size, shape and specifications of packages used in the shipment of butter and cheese, and defining and limiting any brand or lettering to be placed thereon. 1930, c. 53, s. 15. Packages and brands.

**15.**—(1) The Minister may appoint inspectors to carry out the provisions of this Act and any inspector so appointed shall at all reasonable hours have free access and admission to all plants or other premises where milk or cream is collected for sale or shipment or manufacture or for distribution for human consumption, or to milk and cream in transit on waggons, trains or other conveyances at collecting stations, railroad stations, express offices, in storage or wherever found, and such inspector may take samples of such milk and cream in sufficient quantities to make the proper test. Inspectors' powers.

(2) It shall be the duty of the inspector and he shall have authority,— Duties.

- (a) to weigh, test and take such quantities as may reasonably be required as samples of any lot of milk or cream or milk products for the purpose of testing the same;
- (b) to examine and test samples of milk or cream kept for re-test at a plant;
- (c) to examine the records of receipts of milk and cream, of all Babcock tests made at a plant and of the disposition thereof, and of the weight of all butter and other dairy products manufactured daily.

Access to  
reports.

(3) Any inspector shall have access to all plant reports necessary in the performance of his duty.

Obstruct-  
ing, penalty.

(4) Any person obstructing any inspector in the performance of his duty shall be liable to a penalty of not less than \$25 nor more than \$100. 1930, c. 53, s. 16.

Regula-  
tions.

**16.** For the purpose of carrying into effect the provisions of this Act, according to their true intent, the Lieutenant-Governor in Council on the recommendation of the Minister may make such regulations as may be deemed necessary, advisable or convenient for carrying out the provisions of this Act. 1930, c. 53, s. 17.

Penalty.

**17.** Every person who violates any of the provisions of this Act, or any regulation made thereunder, or who falsifies any records, or over-reads or under-reads the Babcock test or who in any way makes incorrect determinations of fat, or who pays for milk or cream used in the manufacture of butter or cheese or for distribution for human consumption, on any basis other than those stated in this Act and the regulations, shall be liable to a penalty of not less than \$50 nor more than \$200. 1930, c. 53, s. 18.

Applica-  
tion of  
Rev. Stat.,  
c. 136.

**18.** The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. 1930, c. 53, s. 19.

## CHAPTER 305.

## The Bread Sales Act.

**1.** In this Act,—Interpreta-  
tion."Bake-  
shop."

(a) "Bake shop" shall mean any building, premises, workshop, room or place in which bread is made for sale, or sold;

(b) "Inspector" shall mean and include an inspector appointed by a municipal council under this Act and any member of the Ontario Provincial Police Force.  
R.S.O. 1927, c. 268, s. 1.

"Inspec-  
tor."

**2.** The council of every city, town and village, shall, and the council of every township may, appoint an inspector for the purpose of enforcing the provisions of this Act. R.S.O. 1927, c. 268, s. 2.

Appoint-  
ment of  
inspector.

**3.**—(1) Every person conducting a bake shop shall do so only under a license to be issued by the municipality, and under regulations and conditions prescribed by by-law of the municipality, and no license shall be issued until the medical officer of health gives a certificate that all regulations and conditions have been fully complied with.

Bake shops  
to be  
licensed.

(2) Any license issued hereunder may be revoked by the council of the municipality.

Revocation.

(3) The fee for the license shall not exceed \$1. R.S.O. 1927, c. 268, s. 3.

Fee.

**4.**—(1) Except as provided in subsection 2, no person shall make bread for sale or sell or offer for sale bread except in loaves weighing twenty-four ounces or forty-eight ounces avoirdupois.

Weight of  
bread.

(2) Small-bread may be made for sale, offered for sale and sold in any weight not exceeding twelve ounces avoirdupois. R.S.O. 1927, c. 268, s. 4.

Small-  
bread.

**5.** Every person making bread for sale shall keep in a conspicuous and convenient place in the bake shop scales and weights suitable for weighing bread, and shall weigh the bread offered for sale by him at the request of any person desiring to purchase the same, and the inspector may use such scales

Scales and  
weights in  
bake shop.

at any time for the purpose of weighing bread found by him in the bake shop. R.S.O. 1927, c. 268, s. 5.

Penalty for making bread, etc., contrary to provisions of Act.

**6.** Every person who makes for sale or sells or offers for sale bread in contravention of the preceding sections, or who neglects to comply with the provisions of section 5, shall be guilty of an offence under this Act. R.S.O. 1927, c. 268, s. 6.

Penalty for using deleterious material.

**7.**—(1) Every person who uses an adulterant or deleterious material in the making of bread for sale, or who knowingly sells or offers for sale any bread containing adulterant or deleterious material shall be guilty of an offence under this Act, and shall also be liable as part of the costs of conviction to pay any expenses incurred in procuring an analysis of such bread.

*Prima facie* evidence of offence.

(2) The keeping in any place where bread is made for sale of any adulterant or deleterious material which may be used in the making of bread shall be *prima facie* evidence of an offence against subsection 1. R.S.O. 1927, c. 268, s. 7.

Penalty for interfering with inspector.

**8.** Every person who refuses the inspector admittance to his bake shop or who interferes with the inspector in the performance of his duties shall be guilty of an offence under this Act. R.S.O. 1927, c. 268, s. 8.

Inspector's powers.

**9.**—(1) An inspector may at any time prior to the delivery to a purchaser, weigh any bread made or offered for sale, and may take away any bread and cause the same to be tested for the purpose of determining if any adulterant or deleterious material has been used in the making thereof.

Destruction of adulterated bread.

(2) If the bread is found to contain any such adulterant or deleterious material, the inspector shall destroy the same.

Disposal of light weight bread.

(3) Where the inspector, upon weighing the bread, finds that it is of less than the prescribed weight, he shall seize and remove the bread and hand the same over to some charitable institution. R.S.O. 1927, c. 268, s. 9.

Duties of inspector.

**10.** It shall be the duty of the inspector to see that the provisions of this Act are complied with, and he shall make a report quarterly to the council showing the prosecutions taken and the quantity of bread seized or tested under this Act. R.S.O. 1927, c. 268, s. 10.

When penalty not to be imposed.

**11.** No person shall be liable to the penalties prescribed by this Act for making or offering for sale short weight bread unless in the case of a manufacturer there be found at least ten short weight loaves and in the case of a retailer there be



found at least five short weight loaves, at one time, but all short weight loaves shall nevertheless be liable to seizure as hereinbefore provided. R.S.O. 1927, c. 268, s. 11.

**12.** The certificate of the analyst or assistant analyst of the Department of Health in writing stating the result of any test made by him under the Act and purporting to be signed by him shall be *prima facie* evidence of the facts therein set forth, and shall be receivable without proof of the signature or of the official character of the person who appears to have signed the same in any prosecution under this Act. R.S.O. 1927, c. 268, s. 12.

Certificate  
of analyst  
as evidence.

**13.** Every person guilty of an offence under this Act shall incur a penalty of not less than \$10 nor more than \$100 for the first offence, and not less than \$25 nor more than \$200 for the second or any subsequent offence, recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 268, s. 13.

Penalties.  
Rev. Stat.,  
c. 136.

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## CHAPTER 306.

## Alberta Coal Sales Act.

Particulars  
to be stated  
in advertis-  
ing Alberta  
coal.

**1.** Every person who advertises in Ontario in any newspaper or by poster, circular or in any other manner, that he is importing into Ontario or selling or offering for sale or delivery in Ontario coal produced in Alberta shall state in such advertisement the name of the area or district in Alberta in which such coal was produced and the trade name under which the same is registered in Alberta. 1929, c. 70, s. 2.

On sale  
notes, etc.

**2.** Every person who by himself, his servant or agent sells or delivers, or offers for sale or delivery in Ontario by wholesale or retail, coal produced in Alberta, shall deliver to the purchaser a bill, weight-ticket, invoice or sale note which shall state the area or district in which such coal was produced and the trade name under which the same is registered in Alberta. 1929, c. 70, s. 3.

Penalty for  
omission.

**3.** Every person who, by himself or his servant or agent, sells or delivers in Ontario coal produced in Alberta in contravention of the foregoing provisions of this Act or any of them, shall incur a penalty of not less than \$20 nor more than \$200 and in default of payment thereof shall be liable to imprisonment for a period not exceeding three months. 1929, c. 70, s. 4.

For false  
statements.

**4.** Every person, who being the importer or vendor of coal produced in Alberta for delivery in Ontario by wholesale or retail, in any advertisement in a newspaper, circular or poster, or in any other document or publication, or upon any bill, weight-ticket or invoice makes any false or untrue statement as to the name of the area or district in Alberta in which such coal was produced, or as to the trade name of such coal as registered in Alberta shall incur a penalty of not less than \$100 nor more than \$500 and in default of payment thereof shall be liable to imprisonment for a period not exceeding six months. 1929, c. 70, s. 5.

## CHAPTER 307.

## The Farm Products Grades and Sales Act.

**1.** In this Act,—Interpre-  
tation.

- (a) "Grade" shall mean grade established under this "Grade." Act;
- (b) "Inspector" shall mean inspector appointed under "Inspector." this Act;
- (c) "Minister" shall mean Minister of Agriculture; "Minister."
- (d) "Farm product" shall include animals, meats, eggs, "Farm poultry, wool, dairy products, fruit, fruit products, vegetable products, maple products, honey, tobacco and such other natural products of agriculture as the Lieutenant-Governor in Council may designate and such articles of food or drink manufactured or derived in whole or in part from any such product as the Lieutenant-Governor in Council may designate. 1937, c. 24, s. 2.

**2.**—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—Regula-  
tions.

- (a) establishing grades for any farm product;
- (b) providing for the inspection, grading, packages and packing, marking, handling, shipping, transporting, advertising, purchasing and selling of farm products within Ontario;
- (c) prescribing the fees payable upon the inspection of any farm product;
- (d) designating the places where farm products may be inspected and such highway inspection points as are considered necessary;
- (e) prescribing the powers and duties of inspectors;
- (f) providing for the exemption from this Act or the regulations, or any part thereof, of any person or group of persons;
- (g) generally for the better carrying out of the provisions of this Act.

Limitation  
as to time.

(2) Any regulation made under this section may be limited as to time and place. 1937, c. 24, s. 3.

Inspection,  
—appointment  
of.

3. The Minister may appoint inspectors whose duties shall be to carry out the provisions of this Act. 1937, c. 24, s. 4.

Powers of  
inspectors.

4.—(1) Every inspector may, for the purpose of enforcing the provisions of this Act or the regulations,—

- (a) enter any premises, vessel, boat, car, truck or other conveyance used for the storage or carriage of any farm product and inspect any farm product found therein;
- (b) stop any conveyance which he believes to contain any farm product and inspect such conveyance and any farm product found therein;
- (c) obtain a sample of any farm product at the expense of the owner for the purpose of making an inspection thereof;
- (d) require the production or furnishing of copies of or extracts from any books, shipping bills, bills of lading or other records relating to farm products.

Detention  
of product  
for purpose  
of inspection.

(2) For the purpose of making an inspection of any farm product the inspector may detain such farm product at the risk of the owner thereof, provided that after detaining any such product the inspector shall forthwith notify the owner or person having possession thereof of such detention by prepaid telegram or such other means as in the circumstances he may deem proper. 1937, c. 24, s. 5.

Detention  
of products.

5. Any farm product in respect of which, in the opinion of the inspector, an offence against this Act or the regulations has been committed, may be placed under detention at the risk and expense of the owner by such inspector until such time as the owner of such farm product shall comply with this Act and the regulations, provided that where any person is convicted of an offence in respect of any such farm product the convicting magistrate may declare such farm product to be forfeited to His Majesty, whereupon it may be destroyed or otherwise disposed of as the Minister may direct. 1937, s. 24, s. 6.

Certificate  
of in-  
spectors.

6. The production by the inspector of a certificate of his appointment purporting to be signed by the Minister shall be *prima facie* evidence of the facts stated in such certificate and



conclusive evidence of the authority of such inspector to inspect any farm product. 1937, c. 24, s. 7.

**7.**—(1) Every person shall be guilty of an offence and Penalties. liable to a penalty of not less than \$10 and not exceeding \$50 for a first offence and to a penalty of not less than \$50 and not exceeding \$100 for a subsequent offence, who,—

- (a) obstructs any inspector or refuses to permit any inspector to examine any farm product in his possession or under his control;
- (b) furnishes an inspector with a false name or address, or any other false information;
- (c) represents any farm product as being of a particular grade when such product has not been graded according to the regulations;
- (d) misrepresents the variety, class or origin of any farm product;
- (e) sells or offers for sale any farm product in a package or container upon which the contents of such package or container is falsely represented;
- (f) carelessly handles or damages any farm product while packing, transporting or otherwise dealing with such product;
- (g) violates any of the provisions of this Act or the regulations.

(2) The penalties provided by this Act shall be recoverable Recovery of penalties. Rev. Stat., c. 136. under *The Summary Convictions Act*. 1937, c. 24, s. 8.

**8.** No proceedings or conviction under this Act shall affect Legal remedy not affected. the right of any person to any legal remedy to which he would otherwise be entitled. 1937, c. 24, s. 9.

**9.** For the purpose of jurisdiction, in any complaint, information or conviction for a violation of any of the provisions of this Act or the regulations, the matter complained of may be alleged and shall be deemed to have arisen at the place where the farm product was packed, sold, offered, exposed or had in possession for sale or transportation as the case may be, or at the residence or usual place of residence of the person charged with such violation. 1937, c. 24, s. 10. Where matter complained of deemed to have arisen.

## CHAPTER 308.

## The Entry of Horses at Exhibitions Act.

Prohibition  
of fraudu-  
lent entries  
for races.

**1.** No person shall enter or cause to be entered for competition for any purse, prize, premium, stake or sweepstake offered or given by any agricultural or other society or association, where the contest is to be decided by speed, any horse, colt or filly under a false or assumed name or pedigree, or in a class different from that to which such horse, colt or filly properly belongs by the rules of the society or association in which such contest is to take place. R.S.O. 1927, c. 271, s. 1.

Name not  
to be  
changed  
after entry.

**2.** The name of a horse, colt or filly, for the purpose of entry for such competition in any contest of speed, shall not be changed after having once been entered in any such contest, except as provided by the code of rules of the society or association under which the contest is conducted. R.S.O. 1927, c. 271, s. 2.

Classifica-  
tion of  
horses, etc.,  
of contest.

**3.** The class to which a horse, colt or filly properly belongs, for the purpose of entry in any such contest of speed, shall be determined by the public performance of such horse, colt or filly in some former, if any, contest or trial of speed, as provided by the rules of the society or association under which the proposed contest is to be conducted. R.S.O. 1927, c. 271, s. 3.

Penalty for  
violation of  
Act.

Rev. Stat.,  
c. 136.

**4.** Any person who violates any of the provisions of this Act shall incur a penalty of not less than \$50 nor more than \$200, recoverable under *The Summary Convictions Act*, except that the prosecution may be commenced within two years from the commission of the offence, and in case of non-payment of the penalty imprisonment may be imposed for a term not exceeding six months. R.S.O. 1927, c. 271, s. 4.

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## CHAPTER 309.

## The Debt Collectors Act.

**1.** Every person, whether principal or agent, who prints or publishes any notice or form which is an imitation or a colourable imitation of any of the forms appended to *The Division Courts Act*, or of other legal process, and which is calculated to deceive the public by inducing the belief that such notice or form is a notice or form from any court, or is part of the process of any court, or who issues or makes use of any such notice or form in connection with any collection agency or otherwise, shall incur a penalty for each offence not exceeding \$20 recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 272, s. 1.

Penalty for  
issuing  
imitations  
of division  
court  
notices.

Rev. Stat.,  
c. 107.

Rev. Stat.,  
c. 136.

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## CHAPTER 310.

## The Ticket Speculation Act.

Interpreta-  
tion.  
"Ticket."

**1.** In this Act "ticket" shall mean a card, pass or other document upon presentation of which the holder is entitled to admission to any theatre, opera house, public hall, show, game, grandstand, race meeting, exhibition or amusement of any kind whatever. R.S.O. 1927, c. 273, s. 1.

Offence.

**2.** Every person who,—

Selling.

(a) being the holder of a ticket sells or disposes of the same at a higher price than that at which it was first issued, or endeavours or offers so to do;

Purchasing  
as a specu-  
lation or at  
a higher  
price than  
advertised.

(b) purchases or attempts to purchase tickets with the intention of reselling the same at a profit, or purchases or offers to purchase tickets at a higher price than that at which the same are advertised or announced to be for sale by the owner or proprietor of any place mentioned in section 1;

Penalty.

shall incur a penalty of not less than \$5, and not more than \$50, recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 273, s. 2.

Rev. Stat.,  
c 136.

Exception  
as to sale  
on commis-  
sion at hotel  
stands and  
stores.

**3.** This Act shall not apply to the sale of tickets by the proprietor of a shop or hotel stand or his servant when such proprietor is an agent of a theatre, opera house, public hall, grandstand, or of the owner or promoter of a show, game, race meeting, exhibition, or amusement of any kind whatever for the sale of tickets, and where the commission charged upon such sale does not exceed twenty-five cents for each ticket. R.S.O. 1927, c. 273, s. 3.

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## 9. PROTECTION OF THE PERSON.

## CHAPTER 311.

## The Maternity Boarding Houses Act.

**1.** In this Act "medical officer of health" shall mean the medical officer of health of the municipality in which any house required by this Act to be registered is situate, and where the house is situate in territory without municipal organization, shall mean and include the medical officer of health appointed for the locality under *The Public Health Act*. R.S.O. 1927, c. 278, s. 1.

"Medical health officer," meaning of.

Rev. Stat., c. 299.

**2.** No person shall receive or retain for hire or reward any woman or girl for accouchement, or keep unmarried women or girls, being mothers of infants with infants for board or lodging, or keep a maternity boarding house, unless registered under this Act. R.S.O. 1927, c. 278, s. 2.

Maternity boarding houses to be registered.

**3.** No person shall retain or receive for hire or reward one or more infants under the age of three years, for the purpose of nursing or maintaining such infant or infants, for a longer period than twenty-four hours, except in a house which has been registered as herein provided, but any person may be exempted from the provisions of this section by the medical officer of health of a city or by the Superintendent of Neglected and Dependent Children on proof that one child only is thus cared for. R.S.O. 1927, c. 278, s. 3.

Home for infant children to be registered.

Exception.

**4.—(1)** The medical officer of health or any officer specially appointed by him for that purpose shall keep a register of the names of persons applying to register under this Act, and therein shall cause to be registered the name and house of every person so applying and the situation of the house, and the medical officer of health shall fix the number of women or girls or infants who may be received into any house so registered.

Register of maternity boarding houses and infants' homes.

**(2)** The registration shall remain in force for one year, and a fee, not exceeding \$10, shall be charged for registration. R.S.O. 1927, c. 278, s. 4.

Registration, duration and fee for.

Discretion  
tion as to  
registra-  
tion.

**5.** The medical officer of health may refuse to register any house unless satisfied that it is suitable for the purposes for which it is to be registered, and unless satisfied by the production of certificates that the person applying to be registered is of good character and able to maintain, keep and properly lodge such women or girls or infants. R.S.O. 1927, c. 278, s. 5.

Cancelling  
registra-  
tion.

**6.** If it is shown to the satisfaction of the medical officer of health that a person whose house has been so registered as aforesaid has been guilty of serious neglect or is incapable of providing the women or girls or infants entrusted to his care with proper food and attention, or that the house specified in the register has become unfit for the reception of women or girls or infants, the medical officer of health may remove the name and house from the register. R.S.O. 1927, c. 278, s. 6.

Register to  
be kept by  
keeper of  
boarding  
house or  
home.

**7.** Every person registered as aforesaid shall immediately enter in a register to be kept by him the name and age of every woman or girl or infant and also the place from which such woman or girl or infant came before entering such house, and shall also enter in the register the name of the medical practitioner who attended at any birth taking place in such house or who attended any infant in such house, and when such women or girl or infant leaves the house, the place to which they are removed, and the date of such removal, and also whether the infant was taken away with the mother or how otherwise disposed of, or how children boarded without their mothers are disposed of, and shall forthwith transmit to the medical officer of health a copy of every entry made in the register, and shall produce the register when required by the medical officer of health or any person appointed by him, and in the event of his refusing so to produce the register or neglecting to enter in a register the particulars hereinbefore required, he shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 278, s. 7.

Forms for  
registra-  
tion to be  
furnished to  
keepers.

**8.** The person registered shall be entitled to receive gratuitously from the medical officer of health a book of forms for the registration of persons received into such house, which shall also contain a printed copy of this Act. R.S.O. 1927, c. 278, s. 8.

Births in  
houses to  
be attended  
by phy-  
sician.

**9.** The person so registered shall see that every birth which takes place in such house shall be attended by a legally qualified medical practitioner, who shall forthwith report to the medical officer of health the fact of such birth having taken place and shall also register the same in the manner provided by *The Vital Statistics Act*. R.S.O. 1927, c. 278, s. 9.

Rev. Stat.,  
c. 88.

**10.** The person so registered shall within twenty-four hours after the death of any inmate of such house, whether a woman, a girl, or an infant born therein or brought there-to as a boarder, cause notice thereof to be given to the medical officer of health, who shall immediately call the coroner to hold an inquest on the body of such person, unless a certificate under the hand of a registered medical practitioner is produced to him by the person so registering that such medical practitioner had personally attended or examined the person so dying and also specifying the cause of death, and the medical officer of health is satisfied by certificate that there is no ground for holding an inquest. R.S.O. 1927, c. 278, s. 10.

Notice of  
deaths to  
M.O.H.

**11.** The medical officer of health shall provide for the visiting and inspecting, from time to time, of every house so registered, and the person appointed to inspect shall be entitled to enter the house at any time and examine every part thereof, and call for and examine the register kept by the person registering the house, and to inquire into all matters concerning the house and the inmates thereof, and the person registered shall give all reasonable information to the person making the inspection, and afford him every reasonable facility for viewing and inspecting the premises, and seeing the inmates thereof. R.S.O. 1927, c. 278, s. 11.

Visitation  
and inspection.

**12.** No child under three years old, whether an inmate of such house or born therein or brought thereto or otherwise, shall be given out for adoption except by and with the consent of a children's aid society, or other duly incorporated benevolent or charitable institution or society, or of the Superintendent of Neglected and Dependent Children, under such rules and regulations in that behalf as may be approved of by the Lieutenant-Governor in Council. R.S.O. 1927, c. 278, s. 12.

Adoption  
of children  
from homes.

**13.** No person registered under this Act shall advertise that he will adopt a child or children or hold out inducements to parents to part with their offspring, and when any such child is transferred by his parents or is given out for adoption to other persons, such transfer shall be made with the knowledge and consent of the agent or secretary of the children's aid society, or of the Superintendent of Neglected and Dependent Children. R.S.O. 1927, c. 278, s. 13.

Advertising  
for children  
for adoption  
prohibited.

**14.** No person shall make any false representation for the purpose of obtaining registration under this Act, or make use of any false certificate knowing it to be false, or falsify any register kept in pursuance of this Act. R.S.O. 1927, c. 278, s. 14.

Securing  
registration  
by  
false representation,  
etc.

Registers,  
contents of,  
not to be  
disclosed.

**15.** The medical officer of health shall not, nor shall any officer employed by him, nor shall the person registered as keeper of any house, divulge or disclose the contents of the register or any of the particulars entered therein, except upon inquiry before a court of law, or at a coroner's inquest, or before some other competent tribunal, or, in the case of such officer or registered person, for the information of the medical officer of health. R.S.O. 1927, c. 278, s. 15.

Record of  
antecedents  
of inmates.

**16.** The managers of every maternity hospital, infants' home or other refuge for women, shall ascertain and record the antecedents of women and girls coming under their care, and shall furnish to the medical officer of health such information in their possession as may be called for from time to time. R.S.O. 1927, c. 278, s. 16.

Penalty for  
violation  
of Act.  
Rev. Stat.,  
c. 136.

**17.**—(1) Every person who contravenes any of the provisions of this Act shall incur a penalty not exceeding \$100, recoverable under *The Summary Convictions Act* and when registered under this Act shall in addition be liable to have his name and house removed from the register.

Trial of  
offences  
against  
Act.

(2) Every prosecution under this Act shall take place before a magistrate or two justices of the peace. R.S.O. 1927, c. 278, s. 17.

Expenses of  
execution  
of Act.

**18.** All expenses incurred in and about the execution of this Act and the trial of offenders thereunder shall be borne by the municipality in which the registered house is situated, or in case it is situated in territory without municipal organization, by the Province. R.S.O. 1927, c. 278, s. 18.

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## CHAPTER 312.

## The Children's Protection Act.

## 1. In this Act,—

Interpreta-  
tion.

- (*a*) "Board" shall mean board of directors or executive committee of a children's aid society; R.S.O. 1927, c. 279, s. 1 (*l*). "Board."
- (*b*) "Boarding home" shall include any home or dwelling in which a child is placed or kept upon payment of compensation, whether such home or dwelling is privately occupied or forms part of, or is connected with a hospital or a correctional, custodial, charitable or any other institution; 1936, c. 8, s. 2 (1). "Boarding home."
- (*c*) "Child" shall mean a boy or girl actually or apparently under sixteen years of age; "Child."
- (*d*) "Children's aid society" or "society" shall mean a society approved by the Lieutenant-Governor in Council under the provisions of this Act, and, in a county or district in which there is no children's aid society, shall mean the Superintendent; "Children's aid society."
- (*e*) "Foster home" shall mean a home in which a neglected child may be placed; R.S.O. 1927, c. 279, s. 1 (*a-c*). "Foster home."
- (*f*) "Judge" shall mean judge or junior or acting judge of a county or district court, or magistrate, or judge of the juvenile court, when such magistrate or judge of the juvenile court has been designated by the Lieutenant-Governor in Council a judge within the meaning of this Act; R.S.O. 1927, c. 279, s. 1 (*d*); 1928, c. 46, s. 2 (1). "Judge."
- (*g*) "Local superintendent" shall mean the officer appointed by a children's aid society upon the approval of the Lieutenant-Governor in Council to carry out the provisions of this Act in the territory over which the children's aid society has jurisdiction; 1932, c. 37, s. 2 (2). "Local superintendent."
- (*h*) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act; 1931, c. 59, s. 2 (1). "Minister"

"Municipality."

- (i) "Municipality" shall mean a county, city or separated town, except that in a territorial district it shall mean a city, town, village or township; 1931, c. 59, s. 2 (2).

"Neglected child."

- (j) "Neglected child" shall mean,—

- (i) a child who is an orphan and who is not being properly cared for by anyone, or who is brought with the consent of the person in whose charge he is to the judge to be dealt with under the provisions of this Act;
- (ii) a child who is abandoned or deserted by his parents or only living parent or who is deserted by one parent and whose other parent is unable to maintain him;
- (iii) a child whose parents, only living parent, guardian, or other person in whose charge he may be, cannot by reason of disease, or misfortune, or infirmity, properly care for him;
- (iv) a child whose home, by reason of neglect, cruelty, or depravity on the part of his parents, guardian or other person in whose charge he may be, is an unfit and improper place for him;
- (v) a child found living or associating with a thief, drunkard, vagrant, prostitute or other dissolute person not its parent or living in or frequenting a house of ill fame;
- (vi) a child found begging or receiving alms in a public place or carrying on a street trade contrary to this Act, or loitering in a public place after nine o'clock in the evening after being warned as provided by section 16;
- (vii) a child who, with the consent or connivance of his parent or parents, commits any act which renders him liable to a fine or to be sent to any prison or reformatory institution under any Dominion or Provincial statute or municipal by-law;
- (viii) a child who by reason of inadequate parental control is delinquent or incorrigible, or who is growing up without salutary parental control or under circumstances tending to make him idle or dissolute;
- (ix) a child who, without sufficient cause, habitually absents himself from his home or school;

- (x) a child, born out of lawful wedlock, whose mother is unable to maintain him or unfit to care properly for him;
- (xi) a child whose parents neglect or refuse to provide or secure proper medical, surgical or remedial care or treatment necessary for his health or well-being, or who refuse to permit such care or treatment to be supplied to the child when ordered by competent authority;
- (xii) a child who is not being properly cared for and whose only parent is serving a term of imprisonment and who is brought, with the consent of the person in whose charge he is, to the judge to be dealt with under this Act;
- (xiii) a child who by reason of ill-treatment, cruelty, continual personal injury, grave misconduct or frequent intemperance by or of either of his parents or his guardian or other person in whose charge he may be, is in peril of loss of life, health or morality; R.S.O. 1927, c. 279, s. 1 (*g*); 1928, c. 46, s. 2 (2); 1936, c. 8, s. 2 (2).
- (k) "Parent" shall include everyone who as parent, guardian or head of a family is under a legal duty to provide necessities for any child;
- (l) "Place of safety" shall include a shelter or temporary home established by a children's aid society or any institution established for the care and protection of children, or any place established as a temporary home under the provisions of section 4, but not a gaol prison, police station or lock-up;
- (m) "Public place" shall mean a street, highway or lane, whether a thoroughfare or not, and a tavern or other place of public resort, to which the public have or are permitted to have access for the purposes of entertainment; R.S.O. 1927, c. 279, s. 1 (*h-j*).
- (n) "Superintendent" shall mean the Provincial Superintendent of Neglected and Dependent Children. R.S.O. 1927, c. 279, s. 1 (*k*); 1932, c. 37, s. 2 (1).

#### SUPERINTENDENT OF NEGLECTED CHILDREN.

**2.** The Lieutenant-Governor in Council may appoint an officer to be known as the Superintendent of Neglected and Dependent Children and such other officers and servants as may be deemed necessary, whose salaries shall be paid out of

Appoint-  
ment and remunera-  
tion of  
Superin-  
tendent, etc.

such money as may be appropriated by the Legislature for that purpose, or partly out of money appropriated for children's aid work as directed by the Lieutenant-Governor in Council, and it shall be the duty of the Superintendent,—

Duties of Superintendent.

- (a) to encourage and assist in the establishment of children's aid societies;
- (b) to advise such societies and instruct them as to the manner in which their duties are to be performed;
- (c) to see that a record in such form as may be prescribed by the Superintendent is kept by such societies of all committals, and of all children placed in foster homes under this Act and of such other particulars as may be deemed desirable;
- (d) to direct and supervise the visiting of any place where a child is placed pursuant to the provisions of this Act;
- (e) to prepare and submit an annual report to the Minister; R.S.O. 1927, c. 279, s. 2 (*a-e*).
- (f) to keep accurate books of account of all moneys received by him as Superintendent showing in detail all receipts and payments;
- (g) to perform such other duties as may be prescribed by the Lieutenant-Governor in Council. R.S.O. 1927, c. 279, s. 2 (*g, h*).

Superintendent acting in lieu of children's aid society.

**3.** The Superintendent shall have and may exercise, in a county or district in which there is no children's aid society, all the powers conferred on a children's aid society, and shall have power to appoint such person as he may see fit to act for him under this section. R.S.O. 1927, c. 279, s. 3.

#### CHILDREN'S SHELTERS.

Children's shelters.

**4.**—(1) For the better protection of neglected children, the corporation of every city or county shall provide, to the satisfaction of the Minister, one or more places of refuge for such children only, to be known as temporary homes or shelters, and shall adequately maintain the same to the satisfaction of the Minister.

Orphanages and children's homes.

(2) An orphanage or children's home may, with the consent of the trustees or governing body thereof, be used as a temporary home or shelter under this section, and when desirable in the circumstances of the particular case and not inconsistent



with the welfare of the children to be provided for, such temporary home or shelter may be established in a private family.

(3) Subject to the provisions of section 7, when a children's aid society has been established, it shall receive into the temporary home or shelter provided by or at the expense of the municipality all children found to be neglected under this Act and shall have their supervision and management.

Super-  
vision of  
shelters by  
children's  
aid society.

(4) Any children's aid society may furnish temporary shelter to any child with the consent of the parents or parent or person in charge of the child and may charge the municipality in which such child is resident with the maintenance thereof at a rate not exceeding \$1 per diem on the written requisition of the mayor or reeve of such municipality. R.S.O. 1927, c. 279, s. 4.

Temporary  
shelter of  
child by  
children's  
aid society.

(5) The corporation of a county and any cities and separated towns in the county or any two or more of them may, with the approval of the Minister, enter into an agreement to acquire a site for and erect and maintain thereon one or more joint temporary homes or shelters, and in such case it shall not be necessary for a county or a city to comply with the provisions of subsection 1.

Provision  
for erection  
of joint  
shelters.

(6) The council of a county or a city for the purpose of subsection 1, and the council of a county, a city or separated town for the purposes of subsection 5, may, without the assent of the electors, borrow money by the issue of debentures payable within a period of fifteen years from the issue thereof, to meet the cost of, or its share of the cost of providing or acquiring a site for and erecting such temporary homes or shelters. 1930, c. 54, s. 2.

Borrowing  
on deben-  
tures to pay  
cost or  
share of  
cost of  
building.

#### CHILDREN'S COMMITTEES.

**5.**—(1) In any electoral district, town or village there may be established by the children's aid society of the county, or by the Superintendent, a committee consisting of not less than six persons, at least one-half of whom shall if practicable be women, to be known as the "children's committee," and the committee and the members thereof shall co-operate with the Superintendent and with the children's aid societies.

Children's  
com-  
mittees.

(2) The committee or any member thereof shall have and may exercise the powers conferred by sections 6 and 7 under the direction of the society, and may adopt such methods as they may think best for securing voluntary subscriptions to be devoted to carrying out the objects of this Act. R.S.O. 1927, c. 279, s. 5.

Powers of  
committee.

## APPOINTMENT AS PROBATION OFFICERS.

Powers as to probation.

Rev. Stat., c. 363.

**6.** The officers of a children's aid society may act as probation officers for the purpose of enforcing the provisions of this Act and of *The Industrial Schools Act*. R.S.O. 1927, c. 279, s. 6.

## APPREHENSION OF NEGLECTED CHILDREN.

Neglected child—apprehension.

**7.**—(1) A constable or a person authorized under section 6 to act as a probation officer, or a chief constable or inspector of police may apprehend without warrant and take to a place of safety any apparently neglected child.

Proceedings before judge.

(2) The child shall be returned to its parents or guardians or be brought before the judge for examination within one week after apprehension, and the judge shall investigate the facts of the case and ascertain whether the child is a neglected child and its age, and the name, residence and religion of its parents.

Witnesses.

(3) The judge may compel the attendance of witnesses and may require the attendance of the Crown attorney upon such investigation, and for such attendance the Crown attorney shall be entitled to a fee of \$5 payable by the county.

Notification of parents, guardians, etc.

(4) The judge shall not proceed to hear or dispose of the matter until he is satisfied that the parents or the person having the actual custody of the child, if he is in the custody of any person other than a parent, have been notified of the investigation, or that every reasonable effort has been made, in the opinion of the judge, to cause them to be so notified.

Taking evidence on apprehension of child.

(5) The evidence of every witness shall be taken under oath and, unless taken by a stenographer, the judge shall cause the same to be taken down in writing, and signed by the witness in the same manner as upon a preliminary investigation before a justice.

Who may represent child.

(6) The judge may hear any person on behalf of the child.

Custody pending hearing.

(7) Pending the hearing or determination of any such case, the judge may make such order for the temporary custody and care of the child as he may deem proper. R.S.O. 1927, c. 279, s. 7 (1-7).

What order may be made by judge.

(8) If the judge shall find the child to be a neglected child, he may make any one of the following orders:

(a) That the case be adjourned *sine die* and that the child be returned to his parent or guardian or other person in whose charge he may be, subject to inspection and supervision by the children's aid society;

(b) That the child be temporarily committed to the care and custody of the children's aid society for such specified period as in the circumstances of the case he may deem necessary, provided, however, that such period shall not exceed twelve months; or

(c) That the child be committed permanently to the care and custody of the children's aid society. 1928, c. 46, s. 3 (1).

(9) Where the judge has ordered that a child returned to his parent or guardian or other person in whose charge he may be shall be under the inspection and supervision of the children's aid society, the society may at any time bring the case again before the judge for further and other consideration and action under this section, and where a child has been temporarily committed to the care and custody of the society, the society may at any time during the period of temporary commitment bring the case again before the judge for further and other consideration and action under this section, and if the temporary commitment has not been earlier terminated, the case shall, at the expiration of the specified period, again come before the judge and the judge shall thereupon further inquire and determine whether the circumstances justify an order returning the child to the parent or guardian or making a further order under subsection 8.

Procedure where child committed temporarily to care of society.

(10) During the period of temporary commitment, the society shall keep the child in a temporary home or shelter or in some other suitable place and shall exercise during such period, all the rights of the legal guardian of such child except as to proceedings under *The Adoption Act* and under section 13 of this Act. 1928, c. 46, s. 3 (2).

Custody of child during temporary commitment.

Rev. Stat., c. 218.

(11) The inquiry may be made at the hearing directed under subsection 2 or at any subsequent time as the judge may determine.

Inquiry,—when to be made.

(12) The order shall contain a statement of the facts so far as ascertained, and shall name the municipal corporation liable for maintenance, and shall be filed with the Superintendent, and the judge shall transmit a certified copy thereof to the children's aid society.

Order to be filed with Superintendent and society.

(13) The expense of conveying a child to any shelter or industrial school shall be paid by the treasurer of the county, city, separated town or provisional judicial district in which such child is domiciled, and the person conveying such child shall, when practicable, be an officer of a children's aid society.

Expenses of conveyance of child.

Proceedings to be certified to Superintendent.

(14) A certified copy of the evidence taken, and of other proceedings under the hand and seal of the judge, shall be transmitted to the Superintendent with the certified copy of the order of the judge. R.S.O. 1927, c. 279, s. 7 (10-13).

Notice to municipality before charging maintenance.

(15) A municipal corporation shall not be liable for the maintenance of a neglected child nor for the expenses incurred under subsection 13 unless and until the corporation has received two days' notice in writing of the intention to apply to the judge for an order declaring that the child was properly a resident of the municipality and that the corporation should be so liable for such maintenance or expenses. 1928, c. 46, s. 3 (3); 1930, c. 54, s. 3.

Application for commitment of child born out of wedlock. Rev. Stat. c. 217.

(16) No application for the commitment of a child born out of wedlock, shall be made without the consent in writing of the Provincial Officer designated under the provisions of *The Children of Unmarried Parents Act*. 1933, c. 59, s. 26.

Employment of local constables.

8. The Superintendent and any person acting under his authority, or a local superintendent, may call to his aid in the performance of his duties a constable of the locality, and the constable when so called shall be entitled for his services to the same fees as he would be entitled to for like services under *The Administration of Justice Expenses Act*, and the same shall be payable in like manner as the fees of constables are payable under that Act. R.S.O. 1927, c. 279, s. 8.

Rev. Stat., c. 141.

Committal of deserted child to a society.

9. The superintendent of any infants' or children's home or other public institution having the custody of children may bring before the judge any child who is neglected or deserted by his parents, or who is an orphan requiring guardianship, and the judge may make an order committing the child to the care of a children's aid society under the provisions of this Act. R.S.O. 1927, c. 279, s. 9.

#### MAINTENANCE OF CHILDREN.

Order for maintenance by municipality.

10.—(1) In any direction for the temporary custody and care of a child pending the hearing or determination of the case, the judge may order, and when committing a child to the custody or control of a children's aid society the judge shall order the payment by the corporation of the municipality to which the child belongs of a reasonable sum, not less than seventy-five cents a day, for the maintenance of the child by the society in a temporary home, an institution, a foster home or elsewhere where children are not cared for without compensation and in territory without municipal organization the



amount so ordered to be paid shall not exceed seventy-five cents a day. R.S.O. 1927, c. 279, s. 10 (1); 1932, c. 37, s. 4.

(2) Subject to the provisions of subsections 3 and 4, for the purposes of this section a child shall be deemed to belong to the municipality in which it has last resided for the period of one year, but, subject as aforesaid, in the absence of evidence to the contrary, residence for one year in the municipality in which the child was taken into custody shall be presumed. R.S.O. 1927, c. 279, s. 10 (2); 1936, c. 8, s. 3 (1).

Where  
child  
belongs.

(3) Where the child has not resided in any municipality in Ontario for one year, the municipality in which the child's mother has last resided for one year at any time since the birth of such child or during the period of five years before the birth of such child shall be deemed to be the municipality to which such child belongs. R.S.O. 1927, c. 279, s. 10 (3); 1937, c. 72, s. 13 (1).

Where  
mother's  
residence  
taken.

(4) In the computation of the time in subsections 2 and 3, the time during which the child or its mother was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded. R.S.O. 1927, c. 279, s. 10 (4).

Periods to  
be excluded  
in fixing  
time.

(5) In all other cases the child shall be deemed to belong to the municipality in which it was taken into custody. 1937, c. 72, s. 13 (2).

Other cases.

(6) A copy of the order, with a copy of the depositions, shall be forwarded by registered letter to the clerk of the municipality so declared liable for the expense of supporting the child.

Order to be  
sent to clerk  
of municipi-  
pality liable.

(7) Unless within one month after the mailing of the order the corporation of the municipality applies to the judge making the order, to vary such order by having some other municipality declared liable for the expense of supporting the child, the order shall be final and conclusive.

Municipality  
disputing  
liability.

(8) The corporation of a municipality which has made a payment under the provisions of this section for the maintenance of a child in respect to whom some other municipal corporation is liable shall be entitled to recover the amount so paid from such other corporation. R.S.O. 1927, c. 279, s. 10 (6-8).

Recovery  
from other  
municipali-  
ties.

Application  
for addi-  
tional main-  
tenance.

(9) At any time after the commitment of the child to the care and custody of the children's aid society, the society may apply to the judge for an order for the payment of such additional maintenance as he may deem just. 1928, c. 46, s. 4.

Judge may  
order parent  
to contri-  
bute.

**11.**—(1) The judge may order the parent of a child who has been committed to a children's aid society to contribute toward the child's maintenance, or to refund to the municipality the whole or any part of the sum which it has been ordered to pay. R.S.O. 1927, c. 279, s. 11 (1); 1928, c. 46, s. 5 (1).

Municipality  
not relieved.

(2) Nothing in this section shall relieve the municipal corporation from payment when the parent is unable or refuses to contribute.

Enforcing  
the order.

(3) An order made under this section may be enforced in the same manner as an order under *The Deserted Wives' and Children's Maintenance Act*. R.S.O. 1927, c. 279, s. 11 (3, 4).

Rev. Stat.  
c. 211.

"Child"  
meaning of.

**12.** For the purposes of sections 10 and 11 "child" shall include a boy or a girl over the age of sixteen years of whom a children's aid society is the legal guardian under this Act. 1934, c. 3, s. 2.

#### SELECTING FOSTER HOMES.

Power and  
duty of  
the society.

**13.**—(1) The children's aid society to the care of which a child has been permanently committed shall be the legal guardian of such child, until such child has attained the age of twenty-one years or is adopted under the provisions of *The Adoption Act*, or some other legal guardian is appointed, or the guardianship is renounced by the children's aid society with the approval of the Superintendent, and it shall be the duty of such society to use diligence in providing a suitable home for such child. R.S.O. 1927, c. 279, s. 12 (1); 1928, c. 46, s. 6.

Rev. Stat.,  
c. 218.

Society  
may place  
child in  
foster home.

(2) The society may place the child in a foster home during minority, or for any shorter period in the discretion of such society, under a written contract which shall provide for the education of the child in accordance with the school law of Ontario, for teaching the child some useful occupation, for its kind and proper treatment as a member of the family, and for the payment to the society for the benefit of the child of any sum of money that may be provided for in the contract, and shall contain a provision reserving the right to withdraw the child from any person having his custody when, in the opinion of the society, or the Superintendent, the welfare of the child so requires. R.S.O. 1927, c. 279, s. 12 (2).

(3) All such agreements shall be filed with the Superintendent, and the society shall in the month of January of each year report to the Superintendent all money received by it under such agreements. R.S.O. 1927, c. 279, s. 12 (4). Filing of agreements.

PENALTY FOR ILL-TREATMENT.

**14.**—(1) Any person having the care, custody, control or charge of a child who abandons, deserts, neglects or fails to support such child or inflicts unreasonable cruelty or ill-treatment upon such child not constituting an assault, shall be guilty of an offence and upon summary conviction thereof shall incur a penalty not exceeding \$100 and shall, in lieu of or in addition thereto, be liable to imprisonment for a term not exceeding one year. R.S.O. 1927, c. 279, s. 13; 1928, c. 46, s. 7. Deserting, neglecting, etc.

(2) The judge may in all cases arising under this section make such order regarding the maintenance and custody of any such child, and the right of access thereto of any person, or of either parent, having regard to the welfare of the child, and to the conduct of the parent or person, and to the wishes of the mother as well as of the father, and may at any time alter, vary or discharge any order so made. Power of judge.

(3) Any maintenance order so made may be enforced in the same manner as an order for the payment of money under *The Deserted Wives' and Children's Maintenance Act*. 1929, c. 23, s. 15 (1). Enforcing maintenance order.  
Rev. Stat., c. 211.

STREET TRADES.

**15.**—(1) No girl under sixteen years of age and no boy under twelve years of age shall engage in or be licensed or permitted to engage in any street trade or occupation. Street trades.

(2) No boy under sixteen years of age shall engage in any street trade or occupation between the hours of ten o'clock in the afternoon and six o'clock in the forenoon of the following day. R.S.O. 1927, c. 279, s. 14. Boys under sixteen.

CHILDREN OUT AT NIGHT.

**16.**—(1) No child shall loiter in any public place after nine o'clock in the afternoon or be in any place of public resort or entertainment after that hour unless accompanied by his parent or guardian or an adult appointed by the parent or guardian to accompany such child. Child in public place at night.

(2) A child found violating the provisions of subsection 1 may be warned by any constable or probation officer or officer of a children's aid society, and if such warning is not regarded, To be warned and taken home or to shelter.

or after such warning the child is again found disobeying the provisions of this section, such child may be taken by the constable or officer to his home or to the children's shelter.

Penalty  
for parent.

(3) A parent who permits his child to violate this section shall upon summary conviction thereof for the first offence incur a penalty of \$1 without costs, and for a second offence \$2, and for a third or any subsequent offence, \$5. R.S.O. 1927, c. 279, s. 15.

#### CAUSING CHILDREN TO BE NEGLECTED.

Offences.

**17.**—(1) Any person who,—

Causing  
child to beg,

(a) causes or procures a child to be in any public place for the purpose of begging or receiving alms or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale or otherwise; or

to perform  
or sell in  
public after  
9 p.m.,

(b) causes or procures a child to be in any public place for the purpose of singing, playing, or performing for profit, or offering anything for sale between nine o'clock in the afternoon of one day and seven o'clock of the following morning; or

to be in  
circus, etc.,  
for purpose  
of perform-  
ing.

(c) subject to the provisions of subsection 2, causes or procures any child to be at any time for the purpose of singing, playing or performing for profit or offering anything for sale in any circus, theatre or other place of public amusement to which the public are admitted by payment;

Penalty.

shall upon summary conviction thereof incur a penalty not exceeding \$100 and in lieu of, or in addition thereto, shall be liable to imprisonment for a term not exceeding one year.

Permission  
for child to  
perform in  
public.

(2) In the case of any entertainment or series of entertainments to take place in premises used for public entertainment or in any circus, theatre or other place of public amusement, where it is shown that proper provision has been made to secure the health and kind treatment of a child proposed to be employed thereat, the head of the council of the municipality may grant a license for such time and during such hours of the day and subject to such restrictions and conditions as he may think fit for any child over ten years of age of whose fitness to take part in such entertainment or series of entertainments without injury he is satisfied, and such license may at any time be varied, added to or revoked by him.

Officer to be  
appointed to  
supervise.

(3) The municipal council shall assign to some person the duty of seeing that the restrictions and conditions of any



license granted under the authority of this section are duly complied with, and such person shall have power to enter, inspect and examine any place at which the employment of a child is for the time being licensed, and that duty shall be discharged by the chief constable of the municipality until some other person is appointed. R.S.O. 1927, c. 279, s. 16.

## POWER OF SEARCH.

**18.**—(1) If it appears to a judge or a justice of the peace, Search for neglected child. on information laid before him on oath,—

(a) that there is reasonable cause to suspect that a child has been or is being ill-treated or neglected in any place within the jurisdiction of such justice; or

(b) that a child who is a ward of the children's aid society has been unlawfully removed from the custody of such society and is being concealed or harboured in any place within his jurisdiction;

such justice may issue a warrant authorizing any person named therein to search for such child and to take it to and detain it in a place of safety until it can be brought before a judge, and the judge before whom the child is brought may cause it to be dealt with as provided for in this Act.

(2) Any person authorized by the warrant may enter, if Right of entry. need be by force, any house, building or other place specified in the warrant and may remove the child therefrom.

(3) It shall not be necessary in any information or warrant Particular description not needed. laid or issued under the provisions of this section to describe the child by name. R.S.O. 1927, c. 279, s. 17.

## INTERFERING WITH WARDS.

**19.**—(1) No person shall,—

(a) induce any child in the custody or control of any Interfering with wards of children's aid society. children's aid society, immigration society, children's institution or industrial school to leave the building and premises of such institution;

(b) induce or attempt to induce a child under the age of twenty-one years to leave any service or apprenticeship or any place where the child has been lawfully placed for the purpose of being nursed, supported, educated, adopted or employed;

(c) induce or attempt to induce any child under the age of twenty-one years to break any articles of apprenticeship or agreement lawfully entered into by or

with the authority of the trustees or directors or governing body of any such children's aid society, immigration society, home or institution respecting such child; or

- (d) detain or harbour such child after demand made by or on behalf of any officer of any such society or institution for delivery up of such child. R.S.O. 1927, c. 279, s. 18 (1).

Penalty.

(2) A person who violates the provisions of this section shall upon summary conviction thereof incur a penalty not exceeding \$100 and shall also be liable to imprisonment for a period of one year. R.S.O. 1927, c. 279, s. 18 (2).

Judge upon summary conviction may suspend sentence.

**20.** The judge, upon the summary conviction of any person charged before him with a violation of any of the provisions of this Act, may impose conditions upon such person and may suspend sentence subject to such conditions, and upon proof at any time of the violation of any condition so imposed, may pass sentence upon such person. R.S.O. 1927, c. 279, s. 19.

#### JUVENILE OFFENDERS.

Separate custody of juvenile offenders.

**21.**—(1) A child charged with an offence or who is brought before a judge under any of the provisions of this Act shall not, before trial or examination, be confined in a lock-up or a police cell used for persons charged with crime, nor, save as hereinafter mentioned, shall such child be tried or have its case disposed of in the magistrate's court room ordinarily used.

Municipalities to make provision.

(2) The council of every local municipality shall make provision for the separate custody and detention of such child prior to its trial or examination by arrangement with some person or society willing to undertake the responsibility of such temporary custody or detention on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-ups or police cells.

Children's courts.

(3) The judge shall try such child or examine into its case and dispose thereof in premises other than the ordinary magistrate's court premises or, where this is not practicable, in the private office of the judge, if he has one, or in some other room in the municipal building.

Inquiry may take place in premises of society.

(4) Where a children's aid society possesses premises affording the necessary facilities and accommodation, a child may, after apprehension under the provisions of this Act, be temporarily taken charge of by the society until its case is

disposed of, and the judge may hold the examination into the case of such child in the premises of the society.

(5) Where a child or a parent charged with an offence in respect of a child under this Act is being tried, the judge may exclude from the room or place where such person is being tried or examined all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society and the immediate friends or relatives of the child or parent. R.S.O. 1927, c. 279, s. 20.

Trial of child or parent—excluding public.

#### NOTIFYING SOCIETY'S AGENT.

**22.**—(1) Where a complaint is made or pending against a child, the police official having charge of the child shall at once cause notice in writing to be given to the executive officer of the children's aid society, if there be one in the county or district, who shall have opportunity allowed him to investigate the charge.

Notice of complaint against child to be sent to society.

(2) Upon receiving such notice the officer may inquire into and make full examination as to the parentage and surroundings of the child and all the circumstances of the case and report the same to the judge in open court.

Society's officer to make inquiry.

(3) Where it appears to the judge that the public interest and the interest of the child will be best served thereby, an order may be made for the return of the child to its parents or friends, or the judge may place such child under the guardianship of the children's aid society or of an industrial school. R.S.O. 1927, c. 279, s. 21.

Judge may order society to take charge of child.

#### DISPOSAL OF YOUTHFUL OFFENDERS.

**23.**—(1) The judge instead of committing a child to prison may hand over the child to the charge of a home for destitute and neglected children or industrial school or children's aid society, and the managers of such home, school or society may permit its adoption by a suitable person, or may apprentice it to a suitable trade, calling or service.

Judge may hand over child to home or industrial school.

(2) The parents of such child shall not remove or interfere with the child so adopted or apprenticed except by permission in writing of the home, school or society. R.S.O. 1927, c. 279, s. 22.

Interference by parent.

#### CHILDREN UNDER ARREST.

**24.** A child held for trial or under sentence in any gaol or other place of confinement shall not be placed or allowed to remain in the same cell or room in company with adult prisoners, and the officer in charge of such place of confinement

Child not to be confined in company of adult offenders.

shall secure the exclusion of such child from the society of adult prisoners during its confinement. R.S.O. 1927, c. 279, s. 23.

## DOUBT AS TO AGE.

Presump-  
tive age of  
child.

**25.** Where a person is charged with an offence under this Act in respect of a child who is alleged to be under a specified age, and the child appears to the judge to be under that age, such child shall for the purposes of this Act be deemed to be under that age unless the contrary is proved. R.S.O. 1927, c. 279, s. 24.

## APPLICATION FOR PRODUCTION OF CHILD.

Application  
to court for  
production  
of child.

**26.—(1)** Where a parent applies to a judge of the Supreme Court for an order for the production of a child committed under this Act, and the judge is of opinion that the parent has neglected or deserted the child or that he has otherwise so conducted himself that the judge should refuse to enforce his right to the custody of the child the judge may, in his discretion, decline to make the order.

Court may  
order com-  
pensation.

(2) If at the time of the application the child is being brought up by another person or has been placed out by a children's aid society, the judge, if he directs the child to be given up to the parent, may order that the parent shall pay to such person or society the whole of the expense properly incurred in bringing up the child, or such portion thereof as may seem just.

Order when  
child  
deserted or  
brought up  
by others.

(3) Where a parent has,—

(a) abandoned or deserted his child; or

(b) allowed his child to be brought up by another person at that person's expense, or by a children's aid society, for such time and under such circumstances as to satisfy the Court that the parent was unmindful of his parental duties;

the judge shall not make an order for the delivery of the child to the parent unless he satisfies the judge that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

Order as to  
religious  
education.

(4) If the judge is of opinion that the parent ought not to have the custody of the child, but that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child shall be brought up, the judge shall have power to make such order



as he may think fit to secure that the child be brought up in that religion.

(5) Nothing in this section shall affect the power of the judge to consult the wishes of the child in determining what order ought to be made or any right which a child now possesses to exercise its own free choice. R.S.O. 1927, c. 279, s. 25.

Child's  
wishes to be  
consulted.

#### RELIGION OF CHILD.

**27.**—(1) A Protestant child shall not be committed to the care of a Roman Catholic children's aid society or institution, nor shall a Roman Catholic child be committed to a Protestant children's aid society or institution, and a Protestant child shall not be placed out in any Roman Catholic family as its foster home, nor shall a Roman Catholic child be placed out in any Protestant family as its foster home.

Roman  
Catholic  
and  
Protestant  
child.

(2) This section shall not apply to the care of a child in a temporary home or shelter in a municipality in which there is but one children's aid society.

Where only  
one society  
in municip-  
ality.

(3) A child shall be deemed to be a Protestant child if its father is a Protestant, and a child shall be deemed to be a Roman Catholic child if its father is a Roman Catholic, unless it is shown that an agreement had been entered into in writing, signed by the parents, that the child should be brought up in the faith of its mother and that faith is not the faith of its father.

When child  
to be  
deemed  
Protestant  
or Roman  
Catholic.

(4) The illegitimate child of a Protestant mother shall be deemed to be a Protestant child, and the illegitimate child of a Roman Catholic mother shall be deemed to be a Roman Catholic child. R.S.O. 1927, c. 279, s. 26.

Illegitimate  
child.

#### RIGHT OF INSPECTION.

**28.** Every society or person to whose care a child is committed under the provisions of this Act, and every person entrusted with the care of any such child, shall from time to time permit such child to be visited, and any place where such child may be or reside to be inspected by the Superintendent or any person duly authorized in that behalf. R.S.O. 1927, c. 279, s. 27.

Right of  
Superin-  
tendent to  
inspect.

#### AID FROM MUNICIPALITY.

**29.** The council of every municipality shall have power to pass by-laws for the levying of such amounts as it may be deemed necessary or desirable to raise for the purpose of complying with any obligation imposed on such municipality

Municipal  
by-laws in  
aid.

by any provision of this Act, or for the purpose of affording to a children's aid society such other assistance as may be deemed desirable. R.S.O. 1927, c. 279, s. 28.

## JUVENILE IMMIGRATION.

Authority  
to bring  
children  
into  
Ontario.

**30.**—(1) The Lieutenant-Governor in Council may authorize any society or agent to carry on the work of bringing into Ontario neglected or dependent children, who are not feeble minded and who before arrival in Ontario are certified by a duly qualified medical practitioner to be free from disease of any kind, for the purpose of providing foster homes for such children or binding them as apprentices or otherwise. R.S.O. 1927, c. 279, s. 29 (1).

Conditions  
of authority.

(2) Authority to bring such children into Ontario shall only be granted on condition that if any such child becomes, within five years of his immigration, an inmate of a prison, hospital or other charitable institution where such child is likely to become a permanent charge, the Superintendent shall notify the society or agent under whose auspices the child was brought into Ontario in order that such child may be deported. R.S.O. 1927, c. 279, s. 29 (2) ; 1932, c. 37, s. 6.

Societies to  
keep records.

**31.**—(1) Every such society or agent shall keep a record in a register prescribed by the Superintendent for that purpose of the names of all children brought into Ontario, their ages and such particulars as may be required to indicate the provision made for each child's adoption or apprenticeship, and a copy of the records made by each society or agent shall be filed with the Superintendent on the 1st days of January and July of each year.

Penalty for  
false return.

(2) Any society or agent who knowingly makes or is a party to the making of or procuring to be made, directly or indirectly, any false return shall incur a penalty of \$1,000 which may be recovered with costs by action at the suit of the Crown only. R.S.O. 1927, c. 279, s. 30.

Duties of  
societies  
and agents  
as to  
children  
brought  
into  
Ontario.

**32.** Every society or agent shall maintain careful supervision over every child brought or caused or procured to be brought into Ontario by such society or agent until such child attains the age of eighteen years, and it shall be the duty of such society or agent to cause a personal visit by an agent, specially appointed for that purpose, to be made to each such child at least once in every year until the child has attained such age, and for the purposes of this Act, and for the protection of the person and earnings of the child, the society or

agent, until the child attains the age of eighteen years, shall have all the powers and shall perform all the duties by law provided in the case of the guardian of an infant. 1929, c. 23, s. 15 (2).

#### INCORPORATION OF CHILDREN'S AID SOCIETIES.

**33.** A children's aid society may be formed having among its objects the purposes of the protection of children from cruelty, the care and control of neglected children, and generally the discharge of the functions of a children's aid society under this Act, but no such society shall be authorized to act as such until the formation of the society has been approved by the Lieutenant-Governor in Council. R.S.O. 1927, c. 279, s. 31.

Formation  
of children's  
aid society.

**34.—(1)** Upon the approval of the Lieutenant-Governor in Council a children's aid society shall become a body corporate and politic and may buy, sell, lease, hold or otherwise deal with real and personal property for the purposes of the society and may contract in its corporate name. R.S.O. 1927, c. 279, s. 32.

Society  
may hold  
property.

**(2)** The Lieutenant-Governor in Council may make regulations respecting the mode of incorporation of children's aid societies and the fees, if any, to be paid on incorporation, and may for such societies prescribe a model or standard form of constitution and by-laws with power to approve any variations therefrom as the circumstances applicable in respect to any such society may seem to warrant. 1931, c. 59, s. 3.

Mode of  
incorpora-  
tion and  
model con-  
stitution,  
etc.

**(3)** The constitution and by-laws of every children's aid society shall contain such provisions for the proper care, treatment and inspection of all children of which it is the legal guardian or which are in any way in its charge, as the regulations may prescribe, and a certified copy of the constitution and by-laws of a children's aid society shall be filed with the Department forthwith after the same are adopted and shall be subject to the approval of the Minister.

Constitution  
and by-laws  
to be filed  
with De-  
partment.

**(4)** It shall be the duty of the directors or members of the executive committee of a children's aid society to ensure that the provisions of its constitution and by-laws for the proper care, treatment and inspection of all children of which it is the legal guardian or which are in any way in its charge, are observed, performed and carried out.

Duty of  
directors  
and mem-  
bers of  
executive  
committee.

**(5)** The Lieutenant-Governor in Council upon the recommendation of the Minister may at any time dissolve a children's aid society or without dissolving the society may dismiss from

Power to  
dissolve  
society  
or dismiss  
officers.

office the board of directors or executive committee or any officer or officers thereof and direct, in case of such dismissal, the election or appointment as the case may be of a new board, committee or officer in its or his place. 1934, c. 3, s. 3.

Dissolution  
of society.

**35.** If a society or committee established under this Act ceases to exist or is dissolved by the Lieutenant-Governor in Council, or does not hold a meeting for a period of six months, the secretary or other officer shall deliver to the Superintendent all books, documents, records and financial statements, and pay over to him all trust funds on hand, and the society or committee shall thereupon be dissolved and its property shall be vested in the Minister, and the Superintendent shall then reorganize the work or make such arrangements for carrying it on as the Minister may approve. R.S.O. 1927, c. 279, s. 33.

Government  
and officers  
of children's  
aid society.

**36.** A children's aid society shall be governed by a board of directors or executive committee composed of a president, one or more vice-presidents, a secretary, a treasurer, a local superintendent, and such other officers and members as may be determined, elected in such manner and for such period as is provided by the constitution or by-laws of the society. R.S.O. 1927, c. 279, s. 34.

Local  
superin-  
tendents.

**37.** Two or more children's aid societies may appoint the same local superintendent. R.S.O. 1927, c. 279, s. 35.

Powers of  
local super-  
intendents.

**38.** Every local superintendent of a children's aid society shall for the purposes of this Act be vested with the powers of a peace officer or a school attendance officer under *The School Attendance Act*, and he shall be deemed an officer within the meaning of section 10 of *The Public Authorities Protection Act* and the said section and other provisions of the said Act shall apply to him in the same manner and to the same extent as to the other officers mentioned in the said section 10. R.S.O. 1927, c. 279, s. 36.

Revocation  
of approval.

**39.** The Lieutenant-Governor in Council may at any time revoke his approval of any children's aid society and thereupon the said society shall be dissolved. R.S.O. 1927, c. 279, s. 37.

Regulations.

**40.** Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

(a) governing the duties and scope of a children's aid society;



- (b) providing for the appointment of a local superintendent by a children's aid society and prescribing his duties under this Act or any other child welfare Act;
  - (c) generally for the better carrying out of the provisions of this Act. 1932, c. 37, s. 7.
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## CHAPTER 313.

## The Mothers' Allowances Act.

Interpreta-  
tion.**1.** In this Act,—“Commis-  
sion.”

(a) “Commission” shall mean such department or branch or person in the public service of the Province, or commission or other body of persons as may be appointed or designated by the Lieutenant-Governor in Council to administer this Act;

“Local  
board.”

(b) “Local board” shall mean board appointed for a county, city or separated town or for a provisional judicial district under the authority of this Act;

“Minister.”

(c) “Minister” shall mean that member of the Executive Council to whom for the time being the administration of this Act is assigned;

“Regula-  
tions.”

(d) “Regulations” shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act. R.S.O. 1927, c. 280, s. 1; 1933, c. 36, s. 2; 1935, c. 42, s. 2.

Conditions  
under which  
allowances  
may be paid.

**2.**—(1) Subject to the provisions of this Act and the regulations, a monthly allowance may be paid towards the support of the dependent children of a mother who,—

- (a) is a widow, or the wife of a man who is permanently unemployable by reason of mental or physical disability, or of a man who has deserted her and has not been heard of for at least three years;
- (b) was resident in Ontario at the time of the death, permanent disability or desertion by the father of the child or children on whose behalf the allowance is to be made, and for a period of two years immediately prior to the application for an allowance;
- (c) is resident in Ontario at the time of the application for an allowance;
- (d) continues to reside in Ontario with her dependent children while in receipt of an allowance;
- (e) is a British subject by birth or naturalization or is the widow or wife of a British subject;

(f) is a fit and proper person to have the care and custody of her children; and

(g) has resident with her one or more of her own children under sixteen years of age and has not adequate means to care properly for such child or children without the assistance of an allowance under this Act. R.S.O. 1927, c. 280, s. 2 (1); 1928, c. 47, ss. 2, 3; 1935, c. 42, s. 3 (1-4); 1937, c. 46, s. 2.

(2) A like allowance may be paid to a woman who is a British subject domiciled and resident as aforesaid and who is a fit and proper person to have the care and custody of children and who is married or unmarried and has resident with her one or more orphan children under sixteen years of age and is the grandmother, sister, aunt or other suitable person acting as the foster mother of such child or children and has not adequate means to care properly for such child or children without the assistance of an allowance under this Act. R.S.O. 1927, c. 280, s. 2 (2); 1935, c. 42, s. 3 (5, 6).

Allowance  
to foster  
mother.

(3) In cases presenting special circumstances where investigation has shown the advisability of an allowance being granted to the children dependent upon a mother or foster mother who is not strictly eligible under the terms of subsection 1 or subsection 2, the Commission may recommend to the Lieutenant-Governor in Council the granting of an allowance and the amount of the same, and the Lieutenant-Governor in Council may consider any such recommendation and direct the payment of an allowance accordingly, notwithstanding that such payment is not expressly provided for in this Act. 1935, c. 42, s. 3 (7).

Allowance  
in special  
cases.

### 3. It shall be the duty of the Commission,—

Duties of  
Commission.

(a) to inquire as to the persons qualified as provided by section 2 to receive allowances under this Act, in any county or district or city or separated town in Ontario;

(b) to obtain such information as to such person as the regulations may require;

(c) to receive through local boards or otherwise applications by or on behalf of persons so qualified for the payment of allowances under this Act and to consider the same;

(d) to fix the maximum and minimum allowances which may be granted under this Act;

- (e) to make orders granting allowances to mothers by whom or on whose behalf application is made to the Commission and who appear to the Commission to be qualified to receive such allowances;
- (f) to keep such records and statistics as the regulations may require or as may appear to be necessary for the proper discharge of the duties of the Commission;
- (g) to report in writing to the Lieutenant-Governor in Council at the close of each fiscal year, with such particulars and information as the regulations may require. R.S.O. 1927, c. 280, s. 5.

Power of Lieutenant-Governor in Council to designate new commission.

**4. The Lieutenant-Governor in Council may,—**

- (a) change and alter the constitution of any commission heretofore established under the provisions of this Act, and designate or establish a commission for the purpose of carrying out the provisions of this Act and provide for the appointment of a chairman, vice-chairman and other officers, and for the appointment of clerical and other assistance in the office of the commission; and

Remuneration, etc.

- (b) provide for the payment of salaries or other remuneration and expenses of the members of the commission and of the officers, clerks and servants thereof, and generally respecting the keeping of accounts and expenditures. 1933, c. 36, s. 5.

Manner of payment.

**5.** Allowances granted under this Act and the expenses of administration of this Act shall be payable out of such moneys as may be voted by the Assembly and appropriated by the Legislature for those purposes by the Treasurer of Ontario upon the direction in writing of the chairman of the Commission countersigned by the Minister, and every such direction shall be final and conclusive and shall not be subject to further examination or audit, and the Treasurer upon receiving the direction shall issue the cheque and the Provincial Auditor shall countersign the same. R.S.O. 1927, c. 280, s. 6.

Notice of granting of allowance.

**6.** Notice in writing of every allowance granted, cancelled or suspended shall in accordance with the regulations be given to the local board in the municipality in which the person, to or in respect of whom the same is payable, resides. 1937, c. 46, s. 3.

Decisions of Commission,—finality of.

**7.** The decision of the Commission as to any matter arising under this Act shall be final and conclusive and shall not be



subject to appeal or review by any court of law or otherwise, but the Commission may reconsider any decision and may rescind, alter or amend any order, direction or decision previously made under the authority of this Act. R.S.O. 1927, c. 280, s. 8.

**8.** The secretary of every local mothers' allowances board shall for the purpose of the administration of this Act have power to take declarations and affidavits and to receive evidence under oath in the same manner and to the same extent as a commissioner for taking affidavits. 1930, c. 55, s. 2, *part*.

Secretary may administer oath.

**9.** For the purposes of this Act the territory known as "Burlington Beach" shall be a separate municipality and the Burlington Beach Commission shall have the powers and perform the duties conferred and imposed upon the local board by or under the authority of this Act. 1930, c. 55, s. 2, *part*.

Burlington Beach Commission.

**10.** The investigator in every unorganized district shall for the purposes of the administration of this Act, have power to take declarations and affidavits and to receive evidence under oath in the same manner and to the same extent as a commissioner for taking affidavits. 1931, c. 23, s. 20.

Investigator in unorganized districts authorized to take affidavits, etc.

**11.** On approval of the Lieutenant-Governor in Council the Minister may make regulations—

Regulations.

(a) governing the procedure of the Commission and prescribing the time and place of meetings of the Commission;

(b) prescribing the duties of the members of the staff of the Commission;

(c) providing for the appointment of a local board in any territorial district and prescribing the duties and authority of any local board with respect to this Act and *The Old Age Pensions Act*;

Rev. Stat., c. 314.

(d) for the conducting of inquiries and investigations as to persons to whom allowances may be paid or who are in receipt of allowances under this Act or by whom or on whose behalf application has been made for payment of an allowance;

(e) prescribing the form of reports of local boards and the particulars to be stated therein;

(f) providing for the appointment of investigators and of visitors or other local officers of the Commission and prescribing their duties;

- (g) respecting the proofs to be furnished before payment of any allowance or continued payment thereof;
- (h) fixing the intervals at, and the manner in which allowances shall be paid under this Act;
- (i) prescribing forms to be used by the Commission, local boards, visitors and other officers and by persons applying for allowances under this Act;
- (j) respecting the property qualifications and other sources of income of beneficiaries under this Act;
- (k) for entering into arrangements with the Government of any other province in the Dominion of Canada making similar provision for the payment of allowances to mothers as is made by this Act for the payment of such allowance in the case of any person who has been in receipt of such allowance in another province and who moves into Ontario, or in the case of a person who has resided in such other province and in Ontario for periods which together equal the term of residence required by this Act in the case of a resident of Ontario, but no such arrangement shall be entered into nor shall any such payment be made except where the province concerned has passed legislation enabling reciprocal action to be taken with regard to beneficiaries under this Act who may move into such province;
- (l) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 280, s. 9; 1932, c. 53, s. 30; 1935, c. 42, s. 4; 1937, c. 46, s. 4.

Validity  
of appoint-  
ments.

**12.** A member of the council of any municipality may be appointed a member of the local board and any such appointment heretofore or hereafter made shall not disqualify him from being a member of the council. 1930, c. 55, s. 3.

Local board  
for pensions  
and  
mothers'  
allowances.  
Rev. Stat.,  
c. 314.

**13.**—(1) In each county, city and separated town there shall for the purposes of this Act and *The Old Age Pensions Act*, be a local board to be known as “The (*name of municipality*) Old Age Pensions and Mothers’ Allowances Board” to be composed of five members, two of whom shall be appointed by and hold office during the pleasure of the council of the municipality, and three of whom shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council, and of the two to be appointed by the council of the municipality one shall be a female and of the three to be ap-

pointed by the Lieutenant-Governor in Council at least one shall be a female.

(2) Notwithstanding the provisions of subsection 1, the Lieutenant-Governor in Council may provide that in any county or city instead of there being one local board for the purposes of this Act and *The Old Age Pensions Act*, there shall be a separate local board for each Act, in which case the local board for the purposes of this Act shall be known as "The (name of municipality) Mothers' Allowances Board" to be composed and the members thereof appointed as provided in subsection 1.

Separate local boards may be established.

Rev. Stat., c. 314.

(3) The council of every county, city and separated town shall from among its officers and employees assign one of them to be secretary to the local board and such others of them as may be necessary for the purposes of the local board under this Act, and the secretary of every local board shall for the purposes of this Act have the authority of a commissioner for taking affidavits.

Administrative staff of local boards.

(4) In every county the clerk of every local municipality forming part of the county for municipal purposes, or such other officer of the local municipality as the council thereof may designate, shall be a local authority for the purpose of receiving applications for allowances under this Act, which when completed as required by the regulations he shall transmit to the local board in the county for its purposes, and for such services the clerk or other officer of a local municipality may be paid such remuneration as the council of the local municipality may determine and provide.

Clerks of local municipalities in counties to be local authorities.

(5) The Lieutenant-Governor in Council may at any time dissolve the local board in any city or county. 1937, c. 46, s. 5, *part*.

Dissolution of local boards.

(6) Until a local board is established as provided for by this section, the local board of every municipality in office on the 1st day of April, 1937, shall continue as the local authority therefor and shall have the authority and perform the duties of a local board until a local board is established as provided by this section. 1937, c. 46, s. 6.

Where no board under this section.

**14.** Every local board shall have such powers and authority, and perform such duties for the purposes of this Act as the regulations may provide, and the expenses of a local board in a municipality shall be provided by the council thereof. 1937, c. 46, s. 5, *part*.

Functions and expenses of local boards.

## CHAPTER 314.

## The Old Age Pensions Act.

Interpre-  
tation."Com-  
mission.""Local  
authority."Rev. Stat.,  
c. 313."Local  
board."

"Minister."

"Old age  
pension."R.S.C.,  
c. 156.

Haliburton.

Agreement  
with  
Dominion  
Govern-  
ment  
authorized.**1.** In this Act,—

- (a) "Commission" shall mean such department or branch of the Government, or commission or other body of persons as may be appointed or designated by the Lieutenant-Governor in Council to administer this Act; 1929, c. 73, s. 2, cl. (a).
- (b) "Local authority" shall in every county, city and separated town mean local board and in the territorial districts in every town, village and township which is a municipality shall mean the clerk of the municipality or such other of its officers as the council thereof may designate, and in the territorial districts in townships which are not municipalities shall mean investigators appointed under the authority of this Act or *The Mothers' Allowances Act*; 1937, c. 52, s. 2 (1).
- (c) "Local board" shall mean the board in any county, city or separated town established under section 4; 1937, c. 52, s. 2 (2), *part*.
- (d) "Minister" shall mean that member of the Executive Council designated by the Lieutenant-Governor in Council to have charge of the administration of this Act; 1929, c. 73, s. 2, cl. (c).
- (e) "Old age pension" shall include a pension payable to a blind person as provided in the *Old Age Pensions Act* (Canada) and any amendment thereof; 1937, c. 52, s. 2 (2), *part*.
- (f) "Provisional judicial district" shall include the provisional county of Haliburton. 1929, c. 73, s. 2, cl. (d).

**2.** The Lieutenant-Governor in Council may enter into an agreement with the Governor-General in Council as to a general scheme of old age pensions in the Province pursuant to the provisions of any Act of the Dominion heretofore or hereafter passed relating to old age pensions, and the regulations made thereunder, and for the payment by the Dominion to



the Province quarterly of an amount equal to one-half or more of the net sum paid out during the preceding quarter by the Province for old age pensions pursuant to the provisions of this Act. 1929, c. 73, s. 3; 1932, c. 46, s. 2.

3. The Lieutenant-Governor in Council may by Order-in-Council authorize and provide for the payment of old age pensions to the persons and under the conditions specified in any Act of the Dominion heretofore or hereafter passed relating to old age pensions, and the regulations made thereunder. 1929, c. 73, s. 4.

Payment of pensions.

4.—(1) In each county, city and separated town there shall for the purposes of this Act and *The Mothers' Allowances Act* be a local board to be known as "The (*name of municipality*) Old Age Pensions and Mothers' Allowances Board" to be composed of five members, two of whom shall be appointed by and hold office during the pleasure of the council of the municipality, and three of whom shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council, and of the two to be appointed by the council of the municipality one shall be a female and of the three to be appointed by the Lieutenant-Governor in Council at least one shall be a female.

Local board in counties, cities and separated towns.  
Rev. Stat., c. 313.

(2) Notwithstanding the provisions of subsection 1, the Lieutenant-Governor in Council may provide that in any county or city instead of there being one local board for the purposes of this Act and *The Mothers' Allowances Act* there shall be a separate local board for each Act, in which case the local board for the purposes of this Act shall be known as "The (*name of municipality*) Old Age Pensions Board" to be composed and the members thereof appointed as provided in subsection 1, except that it shall not be necessary that any of the members be females.

Separate board may be established.  
Rev. Stat., c. 313.

(3) The council of every county, city and separated town shall from among its officers and employees assign one of them to be secretary to the local board and such others of them as may be necessary for the purposes of the local board under this Act, and the secretary of every local board shall for the purposes of this Act have the authority of a commissioner for taking affidavits.

Staff for local board.

(4) In every county the clerk of every local municipality forming part of the county for municipal purposes, or such other officer of the local municipality as the council thereof may designate, shall be a local authority for the purposes of receiving applications for pensions under this Act, which when

Clerks of local municipalities to be local authority.

completed as required by the regulations he shall transmit to the local board in the county for its purposes, and for such services the clerk or other officer of a local municipality may be paid such remuneration as the council of the local municipality may determine and provide.

Dissolution  
of local  
boards.

(5) The Lieutenant-Governor in Council may at any time dissolve the local board in any city or county. 1937, c. 52, s. 3, *part*.

Power of  
local  
authority.

(6) Until a local board is established as provided for in this section, the local board of every municipality in office on the 1st day of April, 1937, shall continue as the local authority therefor and shall have the authority and perform the duties of a local board. 1937, c. 52, s. 8.

Functions  
and ex-  
penses of  
local boards.

**5.** Every local authority shall have such powers and authority, and perform such duties for the purposes of this Act as the regulations may provide, and the expenses of a local authority in a municipality shall be provided by the council thereof. 1937, c. 52, s. 3, *part*.

Pension ap-  
plications  
to be made  
to local  
authority.

**6.** Applications for pensions under this Act shall be made to the local authority in the municipality or township in which the applicant resides, in such manner and accompanied by such proofs as the regulations may require. 1937, c. 52, s. 4.

Payments  
out of  
appropria-  
tions.

**7.—(1)** Every pension granted under this Act and the expenses incurred in the administration of this Act shall be paid out of such moneys as may be voted by the Legislature and appropriated for those purposes and shall be paid by the Treasurer of Ontario upon the direction in writing of the chairman or other head of the Commission, countersigned by the Minister. 1929, c. 73, s. 6; 1936, c. 42, s. 2 (1).

Monthly  
audit of  
accounts.

(2) The accounts of the Commission shall be audited monthly by the Provincial Auditor or by such other person as the Lieutenant-Governor in Council may appoint. 1936, c. 42, s. 2 (2).

Authority  
and de-  
cisions of  
Commis-  
sion.

**8.—(1)** The Commission shall determine the right of any person to receive a pension and the amount thereof, and any increase, reduction, cancellation or suspension thereof, and, subject to its own authority to review the same, the decisions of the Commission shall be final.

Notice of  
pensions  
to local  
authority.

(2) Notice in writing of every pension granted, cancelled or suspended shall in accordance with the regulations be given to the local authority in the municipality in which the pensioner resides. 1937, c. 52, s. 5.

**9.** Every pension granted under this Act shall be exempt from provincial and municipal taxes and shall not be subject to garnishment or attachment or seizure or any legal process and shall be unassignable. 1929, c. 73, s. 8.

Pension not liable to taxation, attachments, etc.

**10.** If under the authority of the Parliament of Canada, or for any other reason whatsoever, the Government of Canada shall cease to make the contributions provided for under the *Old Age Pensions Act* (Canada), or fails to carry out the agreement entered into under the authority of this Act, the right to the granting or continuance of any pension under this Act shall thereupon cease and determine and no further payment of pensions shall be made under this Act. 1929, c. 73, s. 9.

Right to pension to cease on Dominion's failure to contribute.

R.S.C., c. 156.

**11.**—(1) Where a pensioner is the owner of an interest in a dwelling house in which he resides and the Commission accepts a transfer to it of such interest, the pension payable to the pensioner shall not be subject to any reduction in respect of the annual value of such interest, but the Commission shall, on the death of the pensioner or upon his ceasing to use such dwelling house as his place of residence, be entitled to sell the pensioner's interest therein and to retain out of the proceeds of such sale the amount of all payments made to the pensioner by way of pension in excess of the amount he would have received if such interest had not been transferred to the Commission, together with interest on the said payments at the rate of five per centum per annum, compounded annually.

When annual value of pensioner's residence not to affect pension.

(2) The Commission shall be entitled to recover out of the estate of any deceased pensioner, as a debt due by the pensioner to the Commission, the sum of the pension payments made to such pensioner from time to time, together with interest at the rate of five per centum per annum compounded annually.

Recovery of pension payments out of deceased pensioner's estate.

(3) No claim shall be made by the Commission for the recovery of such debt directly or indirectly out of any part of the pensioner's estate which passes by will or on an intestacy to any other pensioner or to any person who has, since the grant of such pension or for the last three years during which such pension has continued to be paid, regularly contributed to the support of the pensioner by the payment of money or otherwise to the extent which, having regard to the means of the person so having contributed, is considered by the Commission to be reasonable. 1929, c. 73, s. 10.

Right not to extend to property passing to another pensioner or to person maintaining.

**12.**—(1) Notice (Form 1) of the granting of a pension to any person may be registered in the proper registry or land titles office, and shall set out,—

Registration of notice.

Name and residence of pensioner to be set out.	(a) the name and residence of the person to whom a pension has been granted;
Date of pension.	(b) the date when the pension was granted;
Description of lands.	(c) a description of the land owned by a pensioner or in which he has any interest, sufficient for the purpose of registration, and, where the land is registered under <i>The Land Titles Act</i> , a reference to the number of the parcel of the land and to the register in which such land is registered in the land titles office.

Rev. Stat.,  
c. 174.

Execution of notice. (2) The notice shall be signed by the chairman or any member of the Commission, and shall be verified in duplicate by affidavit (Form 2) of the chairman or member of the Commission who signs the notice.

Consent of Commissioner to registration. (3) Upon registration of the notice, no deed, grant, conveyance, transfer, mortgage, charge, lease, assignment or other instrument purporting to convey or transfer any land or any interest therein, made and executed by a pensioner, shall be registered in a registry office or entered in any land titles office, unless the consent in writing of the chairman or a member of the Commission is endorsed thereon, and until such consent is so endorsed thereon, no land or any interest therein so conveyed or dealt with by a pensioner shall vest in any person named in such instrument.

Fee. (4) The fee for registration of the notice shall be seventy-five cents.

Discharge of notice. (5) A notice registered under the provisions of this section may be discharged by a certificate (Form 3) signed by the chairman or any member of the Commission, accompanied by an affidavit of execution.

Fee. (6) The fee for registration of a discharge shall be fifty cents. 1933, c. 43, s. 2.

When pension to be paid to trustee.

**13.** In the event of the incapacity of any pensioner or if the Commission considers that the pensioner is using, or is likely to use his pension otherwise than for his own benefit, the Commission may direct the payment of the pension to a trustee or trustees approved by the Commission to be expended for the benefit of the pensioner. 1929, c. 73, s. 11.

Management of property by Commission.

**14.** The Commission may, with the consent of the pensioner, assume the management of any property, real or personal, belonging to the pensioner. 1929, c. 73, s. 12.



**15.** The receipt of a pension shall not by itself disqualify any person from voting at any provincial or municipal election. 1929, c. 73, s. 13. Pensioners not disqualified from voting.

**16.** For the purposes of this Act the territory known as "Burlington Beach" shall be a separate municipality and the Burlington Beach Commission shall have the powers and perform the duties conferred and imposed upon the local authority by or under the authority of this Act. 1930, c. 56, s. 4. Burlington Beach Commission.

**17.** The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,— Regulations.

- (a) designating or establishing the Commission and for providing for the appointment of a chairman, vice-chairman and other officers, and the appointment of clerical and other assistance in the office of the Commission;
- (b) providing for the payment of salaries or other remuneration and expenses of the members of the Commission and of the officers, clerks and servants thereof, and generally respecting the keeping of accounts and expenditures;
- (c) for the appointment of investigators;
- (d) prescribing the form of application for pensions and the proofs to be furnished therewith;
- (e) respecting the powers, authority and duties of local authorities;
- (f) regulating the times at which pensions granted under this Act shall be payable;
- (g) providing for the payment of any pension or part thereof granted under this Act to any statutory or other committee or trustee of the estate of the person to whom the pension is granted, or with the consent of the pensioner to any person or trust or corporate body undertaking or liable for the maintenance and care of any person to whom a pension is granted under this Act;

but no regulation by reference to which any agreement with the Governor-General in Council shall be made shall be altered, nor shall any change be made in any scheme for old age pensions approved by the Governor-General in Council except with the consent of the Governor-General in Council or in

accordance with the provisions of the regulations to which he has agreed. 1929, c. 73, s. 14; 1932, c. 46, s. 5; 1937, c. 52, s. 6.

Provision  
for cost.

**18.** The moneys necessary to meet the old age pensions payable under this Act and the salaries and expenses necessarily incurred in the administration of this Act by the Commission and by the local authority in a provisional judicial district, shall be paid out of such moneys as may be appropriated by the Legislature for that purpose and in the absence of any such appropriation, shall be chargeable upon and payable out of the Consolidated Revenue Fund, and the salaries and expenses necessarily incurred by the local authority except in a provisional judicial district shall be payable by the municipal corporation. 1930, c. 56, s. 5 (1).

## SCHEDULE OF FORMS.

### FORM 1.

#### NOTICE GRANTING PENSION.

*(Referred to in Subsection 1 of Section 12)*

I, ..... of the City of Toronto,  
*(Name of Chairman or Member of Commission)*  
 in the County of York, ..... of The Old  
*(Chairman or Member of Commission)*  
 Age Pensions Commission for Ontario, hereby give notice that on the  
 ..... day of ..... 19...., a pension,  
 under the provisions of *The Old Age Pensions Act* (Ontario), and regu-  
 lations thereunder, was granted to ..... of the .....  
*(Name of Pensioner)*  
 ..... of ..... in the  
 ..... of .....  
*(County or District)* ..... *(Occupation)*  
 The following is a description of the land which the said .....  
 ..... owns or has an interest in: ..... *(Name of*  
*Pensioner)*  
*(Set out description of land)*  
 This notice is given for the purpose of registration in the .....  
 ..... of the ..... of .....  
*(Registry or*  
*Land Titles Office)* ..... *(City, County or District)*  
 Dated at Toronto, this ..... day of ..... 19....  
 .....  
*(Chairman or Member of Commission)*

1933, c. 43, s. 3, *part.*

FORM 2.

AFFIDAVIT VERIFYING NOTICE.

(Referred to in Subsection 2 of Section 12)

I,....., of the City of Toronto,  
(Name of Chairman or Member of Commission)  
in the County of York....., of The Old Age Pensions  
(Chairman or Member)  
Commission for Ontario, named in the above or attached notice, make  
oath and say:  
"That the facts set out in said notice are true."  
Sworn before me at the.....of....., in the  
.....of....., this  
.....day of....., 19.....  
.....  
(Chairman or Member of Commission)  
1933, c. 43, s. 3, part.

FORM 3.

CERTIFICATE OF DISCHARGE.

(Referred to in Subsection 5 of Section 12)

The Notice registered by The Old Age Pensions Commission for On-  
tario, upon the following lands....., dated the.....day of  
(Set out lands)  
....., 19....., and registered the....., day  
of....., as No....., in the.....  
(Registry or  
....., for the.....of.....  
Land Titles Office) (County or District)  
is discharged.  
.....  
(Chairman or Member of Commission)  
1933, c. 43, s. 3, part.

## CHAPTER 315.

## The Soldiers' Aid Commission Act.

Soldiers'  
Aid Com-  
mission  
continued.

1916, c. 3.

**1.** The Soldiers' Aid Commission established by Order-in-Council dated the 10th day of November, A.D. 1915, and set out in Schedule A, which order was confirmed by section 2 of the Act passed in the sixth year of the reign of His late Majesty King George V, chaptered 3, is continued and constituted a body corporate and politic under the name of the "Soldiers' Aid Commission," hereinafter called the "Commission," with power to buy, sell, lease, hold or otherwise deal in real property for the purposes of the Commission. 1929, c. 4, s. 2.

Execution  
of con-  
veyances by  
corporation.

**2.—**(1) A conveyance, document or other instrument executed under the hand of the chairman and the supervising commissioner and the seal of the Commission, shall be deemed sufficiently executed to bind the Commission for all purposes.

Sufficiency  
of  
execution.

(2) Every conveyance, document or instrument heretofore signed, or purporting to have been signed, on behalf of the Commission by the chairman and the secretary thereof, or by the chairman and any other member of the Commission, or by the chairman and any officer of the Commission duly appointed, or by any member of the Commission and any officer of the Commission duly appointed, shall be deemed to be and to have been executed by the Commission and is hereby validated and confirmed, and every such conveyance, document or instrument so executed is declared and shall be deemed to have and to have had the effect of vesting in any person named therein such right, title and interest of the Commission as the conveyance, document or instrument conveys or transfers, or purports to convey or transfer to him in the land therein described. 1929, c. 4, s. 3.

Powers of  
Commis-  
sion.

**3.—**(1) Notwithstanding anything in the said Order-in-Council of the 10th day of November, 1915, contained, the Commission may exercise the like powers with respect to, and may grant the same assistance to members of His Majesty's Imperial Forces or the forces of any of the Allies who, as Reservists, and while resident in Canada, were called upon to serve in the Imperial Forces or the forces of any of the Allies, or who left Canada for the purpose of enlisting and did enlist in the Imperial Forces or the forces of any of the Allies to



serve therein during the late war with Germany, as the Commission may grant to members of the Canadian Expeditionary Forces under the terms of the Order-in-Council of the 10th day of November, 1915, and the like assistance may be granted to any person who, after enlistment in Canada for service in the said war, and before going overseas, has been discharged on account of wounds, injury or disease incurred or contracted while on active service.

(2) Notwithstanding anything in the said Order-in-Council dated the 10th day of November, 1915, the Commission shall have and may exercise the like powers and perform the like services with respect to any of the classes of persons mentioned in subsection 1 who have returned to Ontario since the war as it may with respect to those who returned during the war. 1929, c. 4, s. 4.

Extent of  
powers of  
Commis-  
sion.

4. The Lieutenant-Governor in Council may add such persons from time to time as members of the Commission as he may deem advisable, or may appoint a member in place of any member dying or retiring or becoming incapable of acting. 1929, c. 4, s. 5.

Adding  
members to  
Commis-  
sion.

5. The Commission may establish or arrange for the establishment of branches of the Commission in the various municipalities in the Province and appoint a supervising commissioner and such officers, clerks, servants and agents as may be deemed necessary and expedient for carrying out the work of the Commission, and the salaries, wages, fees or other remuneration payable to such officers, clerks, servants and agents, and all other costs, charges and expenses incurred by the Commission shall be payable out of such moneys as may be appropriated from time to time by the Legislature for the purposes of the Commission. 1929, c. 4, s. 6.

Branches,  
office staff,  
—appoint-  
ment of.

6.—(1) The Commission has and shall be deemed to have had since the date of its establishment, power to receive, administer and dispose of gifts, devises and bequests for the benefit of persons belonging to any of the classes mentioned in section 3, or for the benefit, as a class, of the wives, widows, children and dependent relatives of any such person belonging to any of the classes mentioned in section 3, and, without limiting the generality of the foregoing, shall be deemed to include the right to receive, hold, administer and dispose of lands so devised.

Commis-  
sion author-  
ized to  
receive and  
administer  
gifts, etc.

(2) Where by the will of any person dying before or after the passing of this Act, a devise or bequest is made to or for the benefit of any class of persons mentioned in section 3, or for any object within the powers of the Commission, or for

Where  
bequest  
would  
otherwise  
be void for  
uncertain-  
ty.

any like purpose, and such will does not specify the particular person, society or institution that is to receive such devise or bequest, or if such devise or bequest is or may be held to be void for uncertainty as to the persons entitled to receive the same, or as to the object to which the same may be applied, then in any such case the Commission shall be the beneficiary and shall be entitled to receive, administer and dispose of the same in such manner as the Commission may deem expedient.

Application  
of subs. 2.

(3) Subsection 2 shall apply and take effect notwithstanding that by the terms of any such will the executor or trustee thereunder is directed to distribute such devise or bequest in the discretion of such executor or trustee. 1929, c. 4, s. 7.

Acquiring  
lands for  
cemetery  
purposes.

Rev. Stat.,  
c. 351.

**7.** The Commission may acquire lands by purchase or expropriation or otherwise for the purposes of a cemetery for the burial of persons belonging to any of the classes mentioned in section 3 and with respect to such cemetery shall possess all the powers of an owner of a cemetery under *The Cemetery Act*. 1929, c. 4, s. 8.

Aid to  
widows.

1916, c. 3.

**8.** The Commission has and shall be deemed to have had since the date of its establishment, power to grant assistance, financial or otherwise, to the widows of the classes mentioned in section 4 of *The Soldiers' Aid Commission Act*, being chapter 3 of the Acts passed in the sixth year of the reign of His late Majesty King George V, who have remained unmarried or who have remarried and, in the opinion of the Commission, need help, and all such assistance, financial or otherwise heretofore given by the Commission is declared to be legal and valid for all intents and purposes. 1929, c. 4, s. 9.

Powers of  
Commission as to  
children of  
soldiers.

Rev. Stat.,  
c. 312.

**9.** With respect to the child of any person who has served with His Majesty's forces or the forces of any of the Allies of His Majesty in the late war, the Commission shall have and may exercise and perform all the rights, powers and duties of a children's aid society as provided by *The Children's Protection Act*. 1929, c. 4, s. 10.

Estab-  
lishing  
children's  
shelters.

**10.** The Commission may establish children's shelters or homes for children coming under its care by virtue of this Act and may apply any of the funds of the Commission for such purpose. 1929, c. 4, s. 11.

Agreement  
to accept  
custody of  
child.

**11.** The Commission may enter into an agreement with any person who served with His Majesty's forces or the forces of any of the Allies of His Majesty in the late war with Germany, or who was the wife or husband of a person so serving before

the cessation of hostilities, whereby the Commission may accept the custody of any child or children of such applicant upon being satisfied that the circumstances of the applicant are such that the applicant is unable to properly maintain and care for such child or children. 1929, c. 4, s. 12.

**12.** The members of the Commission shall serve without remuneration, but may be paid their travelling expenses and other necessary disbursements as part of the expenses of the Commission, and the receiving of such expenses and disbursements by any member of the Commission shall not render him ineligible as a member of the Assembly, nor disqualify nor render him liable to any penalty for sitting and voting therein, anything in *The Legislative Assembly Act* to the contrary notwithstanding. 1929, c. 4, s. 13.

Services  
to be  
honorary.

Rev. Stat.,  
c. 12.

**13.** The Commission acting as a central provincial committee and a branch sub-committee of The Military Hospitals Commission, may enter into arrangements with the Department of Education for Ontario, or with any educational authority or institution, for providing instruction of any kind, including technical and industrial instruction for those of the classes of persons mentioned in section 3, who, as a result of wounds, disease or other injury sustained during the period of enlistment, are unable to pursue their former calling or occupation, and for such other training, instruction and assistance as the Commission may deem advisable. 1929, c. 4, s. 14.

Arrange-  
ments for  
technical  
instruction  
for incapa-  
citated  
soldiers.

**14.** The Lieutenant-Governor in Council may confer such further powers and impose such further duties upon the Commission with respect to soldiers who have returned to Ontario since the war, with a view to securing their well-being, as may be deemed advisable. 1929, c. 4, s. 15.

Further  
powers and  
duties may  
be conferred  
and  
imposed.

## SCHEDULE A.

Copy of an Order-in-Council approved by His Honour the Lieutenant-Governor the 10th day of November, A.D. 1915.

Upon the recommendation of the Honourable the Provincial Secretary, the Committee of Council advise that a Commission be issued appointing William David McPherson, K.C., M.L.A., and John B. Laidlaw, Robert J. Christie and William Banks, Esquires, Toronto; the Honourable George Gordon, North Bay, Senator; Kenneth W. McKay, St. Thomas, County Clerk; William F. Nickle, K.C., M.P., Kingston; George Lynch Staunton, K.C., Hamilton; Ernest G. Henderson, Windsor, Esquire, and W. L. Best, Ottawa, Esquire, Commissioners to constitute a Central Provincial Committee and a Branch Sub-Committee of The Military Hospitals Commission to take care of and to find employment for members of the Canadian Expeditionary Force who return to Canada during the period of the war, and to assist, advise and co-operate with the said The Military Hospitals Commission, and with all Provincial or local committees or organizations to attain the aforesaid objects, and to do all things which may be incidental and ancillary to the foregoing; and the said William David McPherson to be *ex officio* a Member of the said The Military Hospitals Commission, and to be Chairman of the said Commission, and Charles Norris Cochrane, Toronto, Esquire, to be Secretary thereof.

Certified.

(Sgd.) J. LONSDALE CAPREOL,  
*Clerk, Executive Council.*

1929, c 4, Schedule A.

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## CHAPTER 316.

### The Juvenile and Family Courts Act.

**1.**—(1) In every city, town and county in which the *Juvenile Delinquents Act* (Canada) is proclaimed, there shall be a court of record to be known as the “juvenile court” of the city, town, county or other area, as the case may be.

Court to be established wherever *Juvenile Delinquents Act* in force. R.S.C., c. 108.

(2) Such court shall have jurisdiction within such territory, in addition to the area included within the limits of such city, town or county, as the Lieutenant-Governor in Council may from time to time designate.

Territorial jurisdiction of court.

(3) The Lieutenant-Governor in Council may at any time establish a juvenile court for any municipality or for any portion thereof. R.S.O. 1927, c. 281, s. 1.

Court may be established in any municipality.

**2.**—(1) When under the provisions of *The Magistrates' Jurisdiction Act* or of any other general or special Act of Ontario, jurisdiction is conferred upon the judge or deputy judge of a juvenile court established under this Act to conduct inquiries or hear, try, determine or dispose of matters in addition to those in respect of which jurisdiction is conferred by this Act, such juvenile court shall be known as the “family court” of the municipality or area for which it is established, and the judge, deputy judge, officers and staff of such juvenile court shall be the judge, deputy judge, officers and staff of the family court.

When juvenile court becomes family court.

Rev. Stat., c. 134.

(2) A family court shall continue as a court of record and as a juvenile court for the purposes of this Act. 1934, c. 25, s. 3.

Continuance of family court as juvenile court.

#### JUDGES.

**3.**—(1) The judge of a juvenile court shall be appointed by the Lieutenant-Governor in Council, and shall hold office during good behaviour and shall be subject to removal by the Lieutenant-Governor in Council. R.S.O. 1927, c. 281, s. 2 (1); 1931, c. 23, s. 21.

Judge, appointment of.

(2) The Lieutenant-Governor in Council may appoint a deputy judge of the juvenile court who shall act as judge of the court and shall perform such duties as may be assigned to him by the Attorney-General.

Deputy judge, appointment of.

In case of  
absence of  
judge or  
deputy,—  
who may  
act.

(3) In case of the absence or illness of the judge or of the deputy judge and on the written request and with the written approval of the Attorney-General, any other person may act as judge of the juvenile court. 1930, c. 57, s. 2.

When justice of the peace may act.

(4) Any justice of the peace may, on the written request of the Attorney-General, act as juvenile court judge for the trial of any case specified in the said request and shall while so acting have all the powers of a juvenile court. R.S.O. 1927, c. 281, s. 2 (3).

#### JURISDICTION.

Jurisdiction as to offences.  
R.S.C.,  
c. 108.

4. Every such court shall be a juvenile court for the purposes of the *Juvenile Delinquents Act* (Canada), and shall have all the powers vested in a juvenile court under that Act, and shall also have power to try any child charged with an offence against the laws of Ontario, and to deal with all cases where jurisdiction is conferred by any Act upon a juvenile court. R.S.O. 1927, c. 281, s. 3.

#### OFFICERS.

Officers,—  
appointment and removal.

5. There shall be a clerk of each juvenile court and, subject to the provisions of section 15, such probation and other officers and staff as the judge of such court shall deem necessary, who shall be appointed and be removable by the Attorney-General. R.S.O. 1927, c. 281, s. 4.

Duties of clerk.

6. It shall be the duty of the clerk of a juvenile court to see that all cases to be heard before the court are properly prepared, to have before the court all papers and documents in such cases, to arrange for the sittings of the court, and to preserve order during such sittings. R.S.O. 1927, c. 281, s. 5.

Records.

7. The clerk shall keep proper records, the form of which shall be approved by the Attorney-General, containing full particulars of the cases dealt with by the court, including the disposition or order made in each case, the parentage, nationality and religion of each delinquent or neglected child, and such other information as may be required. R.S.O. 1927, c. 281, s. 6.

#### PROBATION OFFICERS.

Agent of children's aid society to be *ex officio* probation officer.

8. Every agent of a children's aid society shall *ex officio* be a probation officer of the juvenile court of the city or county in which such society is situated. R.S.O. 1927, c. 281, s. 7.

**9.** The Attorney-General may appoint any person willing to perform the services of a probation officer without remuneration, to be a voluntary probation officer, and may at any time revoke such appointment and the judge of the juvenile court may appoint any person to be a voluntary probation officer to deal with the case of a particular child and may at any time revoke such appointment. R.S.O. 1927, c. 281, s. 8; 1928, c. 48, s. 2.

Appoint-  
ment with-  
out remun-  
eration.

**10.** Every probation officer duly appointed as hereinbefore provided, while acting in the discharge of his duties as such probation officer, shall have all the powers of a peace officer. R.S.O. 1927, c. 281, s. 9.

Powers of  
probation  
officer.

**11.** Every probation officer shall have all the powers of a truant officer under the provisions of *The School Attendance Act*. R.S.O. 1927, c. 281, s. 10.

To have  
powers of  
truant  
officer under  
Rev. Stat.,  
c. 367.

**12.** Subject to the regulations, all officers of the court shall be under the control and subject to the orders and directions of the judge. R.S.O. 1927, c. 281, s. 11.

Control of  
officers.

#### JUVENILE COURT COMMITTEE.

**13.** There shall be in connection with every juvenile court a committee of citizens, serving without remuneration, to be known as "the juvenile court committee," which shall be constituted as provided by section 24 of the *Juvenile Delinquents Act* (Canada). R.S.O. 1927, c. 281, s. 12.

R.S.C.,  
c. 108.

#### DETENTION HOMES.

**14.—(1)** Every temporary home or shelter provided for children under *The Children's Protection Act*, and every institution for the care of children or children's home, the trustees of which have given their consent thereto, shall be a detention home within the meaning of the *Juvenile Delinquents Act* (Canada).

Temporary  
homes, etc.  
Rev. Stat.,  
c. 312.

R.S.C.,  
108.

**(2)** Subject to the provisions of the *Juvenile Delinquents Act* (Canada), the Attorney-General may declare any place, house, home or institution a detention home within the meaning of that Act.

Declaring  
place a  
detention  
home.

**(3)** The Attorney-General may make regulations for the government and management of detention homes in so far as they are used for that purpose.

Govern-  
ment of  
detention  
homes.

Liability  
for main-  
tenance in  
detention  
home.

(4) The corporation of the city, separated town, or county within which the offence with which the child is charged was committed shall be liable for all expenses of maintaining such child in any detention home.

Duty of  
corpora-  
tion.

(5) The corporation of any city, town or county in which a juvenile court is established and in which there is no detention home, or in which there is no detention home of sufficient capacity, shall provide a detention home satisfactory to the Attorney-General. R.S.O. 1927, c. 281, s. 13.

#### COURT ROOM, OFFICES AND EXPENSES OF COURT.

Corpora-  
tion to  
provide  
accommo-  
dation and  
salaries.

**15.**—(1) The corporation of any city, town or county in which a juvenile court is established shall provide a suitable court room and offices for the judge, clerk, probation officers and other officers of the court and shall make proper provision for the salaries of the judge, clerk, probation officers and other officers of the court and for the general expenses of the court. R.S.O. 1927, c. 281, s. 14 (1).

Salaries of  
judge and  
amount of  
expenses.

(2) The Lieutenant-Governor in Council may fix the salary to be paid to the judge and the amount to be appropriated for other salaries and for the expenses of the court, and such salaries and expenses shall be paid by the city, town or county at the time and in the manner set forth in such Order-in-Council, provided that where fixed by the Lieutenant-Governor in Council the total amount so directed to be paid for the expenses of the court, including salaries, but exclusive of the cost of providing court room and offices and detention home, shall fall within the following limits:—

Proviso.

Where the district covered by the court has,—

Limit of  
expenses  
of court.

- (a) a population of more than 200,000, not more than \$50,000;
  - (b) a population of more than 75,000, but less than 200,000, not more than \$25,000;
  - (c) a population of more than 25,000, but less than 75,000, not more than \$15,000;
  - (d) a population less than 25,000, not more than \$8,000.
- R.S.O. 1927, c. 281, s. 14 (2); 1929, c. 74, s. 3.

Salary of  
judge in  
district,  
how ap-  
portioned.

(3) Where a juvenile court has been established in a provisional judicial district for any territory in which there is a city or town, the Lieutenant-Governor in Council may fix the amount to be paid by such city or town towards the salaries and expenses of the court and prescribe the times and manner of making such payments. 1928, c. 48, s. 3.



**16.** The Attorney-General shall have charge of the adminis-<sup>Adminis-</sup>  
tration of this Act. 1928, c. 48, s. 4. <sup>tration.</sup>

**17.** The Lieutenant-Governor in Council may prescribe <sup>Forms and</sup>  
such forms and make such rules and regulations as may be <sup>regula-</sup>  
deemed necessary for the full and proper carrying out of the <sup>tions.</sup>  
provisions of this Act. R.S.O. 1927, c. 281, s. 16.

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## CHAPTER 317.

## The Female Patients and Prisoners Protection Act.

Offence.

**1.** No person shall at any time or place within the precincts of any institution which is subject to inspection by the Inspector of Prisons unlawfully and carnally know any female, who is capable in law of giving her consent to such carnal knowledge, while she is a patient or is detained or imprisoned in such institution. R.S.O. 1927, c. 283, s. 1.

Penalty.

**2.** Every person who contravenes section 1 shall be liable to imprisonment for any term less than two years. R.S.O. 1927, c. 283, s. 2.

Prosecu-  
tions.Rev. Stat.,  
c. 136.

**3.** Prosecutions for offences against this Act shall be had under *The Summary Convictions Act* the provisions of which shall apply except that the prosecution shall be before a magistrate. R.S.O. 1927, c. 283, s. 3.

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## CHAPTER 318.

## The Egress From Public Buildings Act.

**1.** In every church, school, house, hall or other building heretofore or hereafter constructed or used for holding public meetings, or as a place of public resort or amusement, every outer door and every door leading from the assembly hall or room or school rooms shall be so hinged that it may open freely outwards, and every gate of an outer fence if not so hinged shall be kept open by proper fastenings during the time such building is publicly used, to facilitate the egress of people, in case of alarm from fire or other cause. R.S.O. 1927, c. 284, s. 1.

**2.** Every congregation or society possessing corporate powers, and every trustee, incumbent, churchwarden or other person holding churches, schools or buildings used for churches or schools shall be severally liable, as trustees for such societies, congregations or schools, to the provisions of this Act: R.S.O. 1927, c. 284, s. 2.

**3.—(1)** Any person owning, possessing or managing a public hall, school, house, church or other building used for public meetings who contravenes the provisions of this Act, or any of them, or the regulations made hereunder, or any of them, shall incur a penalty not exceeding \$50.

**(2)** If the necessary changes are not made, the person offending shall incur a further penalty of \$5 for every week succeeding that in which the information is laid.

**(3)** One-half of the penalty shall be paid to the person laying the information and the other half to the corporation of the municipality within which the offence is committed.

**(4)** The penalty shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 284, s. 3.

**4.** The Lieutenant-Governor in Council may make regulations for the enforcement of this Act and the safety and convenience of persons assembled in buildings coming within the provisions of this Act. R.S.O. 1927, c. 284, s. 4.

Doors of public buildings to open outwards.

Liability of ecclesiastical or other bodies with corporate powers.

Penalty.

Further penalty for delay.

Application of penalty.

Recovery of penalty. Rev. Stat., c. 136.

Regulations by Lieutenant-Governor in Council.

## CHAPTER 319.

## The Theatres and Cinematographs Act.

Regulations by Lieutenant-Governor in Council as to theatres, etc.

**1.** Notwithstanding anything to the contrary in any other Act the Lieutenant-Governor in Council may make regulations similar or different in different localities, or with reference to different classes of building, or having application to different classes of performances or to different conditions governing the erection, operation and safety of theatres, public halls and buildings occupied by film exchanges, including inspection and supervision, and shall have every power for such purpose which shall be necessary to carry into effect the terms of this section. R.S.O. 1927, c. 285, s. 1; 1930, c. 58, s. 2.

Licensing and regulating theatres, picture shows, etc.

**2.** The Lieutenant-Governor in Council may impose a license upon and make regulations for licensing and defining theatres and public halls and the using and operating of cinematographs, moving picture machines or other similar apparatus, for prescribing terms and conditions under which such machines shall be operated, for licensing, operating and defining film exchanges, for prohibiting or regulating films or slides to be exchanged or exhibited, for prescribing the terms and conditions under which such films may be sold, leased or exchanged, providing for payment of license fee or fees on each film displayed in Ontario, for regulating and examining, re-examining and grading operators and apprentices, for prohibiting or regulating the printing, exhibition or display of pictures or advertising matter, requiring that a proportion of the films available for distribution to exhibitors, and the films exhibited in each theatre, shall be of British manufacture and origin, and fixing such proportions on a monthly or yearly basis, and fixing fees to be paid for censoring films, pictures or advertising matter. R.S.O. 1927, c. 285, s. 2; 1930, c. 58, s. 3; 1931, c. 61, s. 2.

Board of Censors.

**3.—(1)** The Lieutenant-Governor in Council may appoint a Board of Censors, to hold office during pleasure, composed of such number of persons as may be deemed necessary, who shall have power to permit or to prohibit the exhibition of any film or slide which it is proposed to use in Ontario and to permit or prohibit the exhibition of any film or slide in any theatre, and the Treasurer of Ontario may from time to time appoint temporary members of the Board of Censors.



(2) There shall be an appeal from the Board of Censors <sup>Appeal from Board.</sup> to the person, body or court designated and subject to the conditions prescribed by regulation of the Lieutenant-Governor in Council.

(3) The Lieutenant-Governor in Council may appoint an <sup>Inspector.</sup> inspector to inspect theatres, cinematographs, moving picture machines or other similar apparatus and perform such other duties as the Lieutenant-Governor in Council may require.

(4) The Lieutenant-Governor in Council may appoint a <sup>Secretary and clerical assistance.</sup> secretary to the inspector and such other assistants as may be deemed necessary and every such assistant shall have authority to act in lieu of the inspector when directed by him so to do, and the inspector shall prescribe the duties of each of such assistants and shall have the superintendence of the office. R.S.O. 1927, c. 285, s. 3.

4. No cinematograph, moving picture machine or other similar apparatus shall exhibit any films which have not been <sup>Films to be stamped by Board of Censors.</sup> stamped by the Board of Censors, and no such cinematograph, moving picture machine or other similar apparatus shall be kept or exhibited for entertainment until the owner, user or exhibitor of such apparatus has complied with the regulations and obtained a license from the Treasurer of Ontario. R.S.O. 1927, c. 285, s. 4.

5. All films passed or permitted to be exhibited by the <sup>Stamps to show on film.</sup> Board of Censors shall be stamped in such manner that the stamp will show plainly upon the film. R.S.O. 1927, c. 285, s. 5.

6.—(1) Every owner, lessee or manager of a theatre and <sup>License fee.</sup> the user or exhibitor of every cinematograph, moving picture machine or other similar apparatus, the owner, lessee or manager of every film exchange and the person operating such cinematograph, moving picture machine or other similar apparatus shall each pay in such manner as may be fixed by regulation to the Treasurer of Ontario an annual license fee.

(2) The amount of the license fee shall be fixed by the <sup>Amount.</sup> regulations, and no municipal corporation shall charge a greater license fee than is so fixed. R.S.O. 1927, c. 285, s. 6.

7. Any person in charge of such cinematograph, moving picture machine or other similar apparatus, or the owner, proprietor, manager or person having control thereof who uses any such machine for public entertainment without having complied with, or in contravention of the regulations, or without having a license therefor from the Treasurer of Ontario, or who exhibits films not authorized by the Board of Censors <sup>Exhibiting in violation of regulations.</sup>

as required by this Act shall be guilty of an offence against this Act. R.S.O. 1927, c. 285, s. 7.

Municipal  
licenses not  
to be is-  
sued until  
provincial  
license  
granted.

**8.** No municipal corporation shall issue a license to any theatre or for any cinematograph, moving picture machine or other similar apparatus to which this Act applies until the applicant produces a license for such theatre, cinematograph, moving picture machine or other similar apparatus from the Treasurer of Ontario, nor shall a municipal corporation refuse a license to any holder of a provincial license, and any member or officer of a municipal corporation who is a party to the issue or refusal of any license in contravention of this Act shall incur a penalty of \$20. R.S.O. 1927, c. 285, s. 8.

Children  
under 16  
years of age  
by an adult  
shall not be  
permitted to  
attend  
shows.

**9.** A child under the age of sixteen years unaccompanied by an adult shall not be permitted to attend any exhibition by cinematograph, moving picture machine or other similar apparatus for admission to which a fee is charged, except on Saturday of each week and on school, public and legal holidays, between the hours of 9 a.m. and 6 p.m., during which hours a matron to be remunerated by the exhibitor shall be engaged in each theatre whose duty it shall be to supervise the conduct of such children and of adults toward them while in such theatre, the appointment of such matron to be sanctioned in such manner as the Treasurer of Ontario may direct, and the Treasurer of Ontario may at any theatre in his discretion dispense with the attendance of a matron. R.S.O. 1927, c. 285, s. 9; 1930, c. 58, s. 4.

Penalty.

**10.** Any person contravening any of the provisions of this Act, save sections 8, 11 and 23, or any regulation shall incur a penalty of not less than \$20 nor more than \$200, and a further penalty of \$25 for every day after conviction upon which such offence continues. R.S.O. 1927, c. 285, s. 10; 1933, c. 64, s. 2.

Liability for  
bodily in-  
jury or loss  
of life.

**11.** If any breach of this Act or of any of the regulations causes directly or indirectly bodily injury or loss of life the owner, lessee, manager, operator or other person through or by whom such breach occurred shall, in addition to any other penalty prescribed by law, be liable to imprisonment for a term not exceeding one year. R.S.O. 1927, c. 285, s. 11.

Inspection  
by Ontario  
Provincial  
Police.

**12.** For the purpose of enforcing the provisions of this Act and of the regulations, the Ontario Provincial Police or the inspector or such other person appointed under this Act are hereby empowered and directed at any time to inspect any cinematograph, moving picture machine or other similar apparatus which is used or kept on premises licensed under this Act. R.S.O. 1927, c. 285, s. 12.

**13.** In a city, town or village it shall also be the duty of the chief constable or chief of police to enforce the provisions of this Act and the regulations. R.S.O. 1927, c. 285, s. 13. Duty of chief constable.

**14.**—(1) The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. Recovery of penalties. Rev. Stat. c. 136.

(2) All penalties recovered under this Act shall be paid to the Treasurer of Ontario. R.S.O. 1927, c. 285, s. 14. Application of penalties.

**15.** The Lieutenant-Governor in Council shall have power to make such regulations as may be deemed necessary, advisable or convenient for the purpose of carrying into effect the provisions of this Act. R.S.O. 1927, c. 285, s. 15. Regulations generally.

**16.** Every owner, lessee or manager of a theatre and the user or exhibitor of every moving picture machine, cinematograph or other similar apparatus shall make such returns to the Treasurer as the Lieutenant-Governor in Council may by regulation require, respecting,— Returns.

- (a) the seating capacity of the theatre or other building in which exhibitions are given;
- (b) the construction of the theatre or other building and the means of exit therefrom;
- (c) the number of performances or exhibitions given during the period fixed by the regulations and the nature thereof;
- (d) the number of persons admitted to such performances or exhibitions;
- (e) the charges made for admission to such theatre or other building or to any part thereof or to any class of seats therein at such performances or exhibitions;
- (f) the receipts from the sale of tickets or admissions to the said performances or exhibitions;
- (g) such other matters as the Lieutenant-Governor may deem advisable for better carrying out the provisions of this Act. R.S.O. 1927, c. 285, s. 16.

**17.** Declarations or affidavits in connection with the issue of any license under this Act or required by regulations passed pursuant to this Act, may be taken before any person having authority to administer oaths or before any person specially authorized for that purpose by the Lieutenant-Governor in Declarations and affidavits,—how taken.

Council, but any person so specially authorized shall not charge any fee therefor. R.S.O. 1927, c. 285, s. 17.

Playing of  
National  
Anthem.

**18.** At every theatre in Ontario the National Anthem shall be played at the conclusion of each performance. R.S.O. 1927, c. 285, s. 18.

Prohibiting  
erection of  
theatre near  
church.

**19.**—(1) The council of a municipal corporation may pass by-laws prohibiting the erection of any theatre within two hundred feet of a church or place of worship.

Commence-  
ment of  
section.

(2) This section shall not come into force until a day to be named by the Lieutenant-Governor by his Proclamation. R.S.O. 1927, c. 285, s. 19.

Discretion  
as to  
granting,  
refusing or  
revoking  
licenses.

**20.** The inspector may in his discretion refuse to grant or may revoke for cause, or suspend any license issued under this Act but any such decision of the inspector shall be subject to appeal to the Treasurer of Ontario. 1930, c. 58, s. 5, *part*.

Appeal by  
operator or  
apprentice.

**21.** An operator or apprentice may appeal from any decision of the inspector to an appeal board appointed by the Treasurer of Ontario. 1930, c. 58, s. 5, *part*.

Fire  
prevention.

**22.** From and after the passing of this Act a license to operate a theatre shall be granted only when the building in which such theatre is located is of fire resistive construction, provided that the inspector may in his discretion extend the time for altering or otherwise rendering any such building fire resistive. 1932, c. 53, s. 31.

Prohibition  
as to pos-  
session of  
noxious sub-  
stances in  
or near  
theatre,  
etc.

**23.**—(1) No person shall have in his possession at or near any theatre, public hall or other place of amusement which is subject to this Act or the regulations made thereunder, or shall carry or bring in or upon, or attempt to carry or bring in or upon, or aid or assist in carrying or bringing in or upon any such premises, or shall throw, deposit, inject, or attempt to throw, deposit or inject, or aid or assist in throwing, depositing or injecting, in or upon any such premises, any vile, noxious, offensive smelling or injurious liquid, gas or solid, or any stink or stench bomb in any form, or any device from which such liquid, gas or solid may be liberated, and which upon being liberated may inconvenience, cause discomfort to or discommode any person, or do damage to any property.

Penalty.

(2) Any person contravening any of the provisions of subsection 1 shall be liable, upon summary conviction, to a penalty of not less than \$500 nor more than \$1,000, and to imprisonment for one year, and if such penalty is not paid, to an additional period of imprisonment for nine months. 1933, c. 64, s. 3.



## CHAPTER 320.

## The Hotel Fire Accidents Prevention Act.

## 1. In this Act,—

Interpre-  
tation.

- (a) "Hotel" shall mean a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as "boarding houses" or of furnishing living quarters for families and having a dining-room or restaurant commonly known as "apartment houses" or "private hotels";
- (b) "Inspector" shall mean such person as may be authorized by law to inspect standard hotels. 1937, c. 31, s. 2.

"Hotel."

"Inspector."

2.—(1) Every hotel exceeding two storeys in height shall have permanent outside iron stairways or ladders and balconies, as defined in section 3, from each landing or floor above the first or ground floor, of such number, design, construction and location as shall be deemed necessary by the inspector in charge of the district in which such hotel is located, and at least one such stairway or ladder shall be required in every case.

Outside  
stairway  
or ladder.

(2) Every such stairway or ladder shall be securely attached to the building, shall have sufficient strength to sustain a weight of at least one thousand pounds per ten feet of vertical height of the stairway or ladder measured from its lowest point, and shall extend to at least within six feet of the ground.

Specifi-  
cations.

(3) An enclosed fireproof and smokeproof stairway within the building, constructed to the satisfaction of the inspector in charge of the district in which the building is located, shall be deemed to be the equivalent of such a stairway or ladder. 1937, c. 31, s. 3.

Substitution  
of fireproof  
inside  
stairway.

3.—(1) A balcony of iron construction shall be erected outside each door, window or other exit leading from each floor above the first or ground floor, to an outside stairway or

Balcony.

ladder, of such design, construction and location as shall be deemed necessary by the inspector in charge of the district in which such hotel is located.

Balcony floor.

(2) The floor of every such balcony shall be not more than three inches lower than the bottom of the door, window or other exit in cases where the door or window opening on to the balcony extends to or within one foot of the floor level but in other cases a balcony floor shall be not less than ten inches nor more than fifteen inches below the bottom of such door, window or other exit. 1937, c. 31, s. 4.

Access to stair or ladder.

4.—(1) Access to such stairway or ladder shall be unobstructed and shall not be through a room used as a bedroom or bathroom or for any other purpose that obstructs free passage, nor shall such access be veiled from open view by any ornamentation, curtain or other thing.

Doors and windows to open outwards.

(2) Every door and window opening on to any such balcony shall be hinged so as to open outward in such a manner that it will not interfere with the exit flow of traffic, and so that it will in its opened position leave the full width of the balcony free for use.

Exterior doors.

(3) Every exterior door other than a rotary or rotating door on the ground floor shall be hinged to open outwards. 1937, c. 31, s. 5.

Indication of exits.

5.—(1) Where electric light is available a red light shall be kept burning during the night at each immediate point of exit to any outside stairway or ladder or other emergency means of escape, and every exit shall be marked with the word "Exit" in letters not less than six inches high, and no other red light shall be used within the premises.

Placards to be displayed.

(2) Placards at least eight inches in height and printed in letters at least two inches high stating that the exits by stairway or outside fire escapes are at the red lights and indicating the direction shall be displayed in prominent locations, including the office where the register is kept, and at each landing of each stairway used by the public.

Notice to be posted in each sleeping apartment.

(3) A notice shall be posted up in the office and each sleeping apartment or bedroom calling attention to the fire escapes and containing full directions for the use of such fire escapes, as well as a statement explaining the situation of outside stairways or ladders and the means of access to them. 1937, c. 31, s. 6.

**6.** It shall be the duty of the owner of the hotel to erect and maintain such stairways or ladders as may be required under this Act and it shall be the duty of the keeper or proprietor of the hotel to keep the way or passage to the stairway or ladder at all times unobstructed and free of access. 1937, c. 31, s. 7. Duty as to stairways.

**7.—(1)** Every hotel shall provide in every sleeping apartment or bedroom above the first or ground floor a rope not less than three-quarters of an inch in thickness and of sufficient length to permit a person with the rope secured about his body to be lowered through the window to the ground, and such rope shall be firmly secured to a safe fastening at the side of the window at least two feet above the sill, and every bedroom window shall be so arranged that it may be opened with ease and conveniently secured in an open position. Ropes.

(2) Every such rope shall be kept coiled or looped in a convenient position so that it may be promptly extended to the ground without delay. Position of ropes.

(3) This section shall not apply to any hotel of two or more storeys in height constructed in the manner commonly known as fireproof construction unless in the opinion of the inspector in charge of the district in which the hotel is located, the arrangements of fire escapes, ladders, outside stairways and other precautions in case of fire are insufficient and written notice thereof is given to the owner, proprietor or person in charge of the hotel by such inspector or by the member of the Executive Council, commission, board or other body charged with the administration of this Act. 1937, c. 31, s. 8. Exceptions.

**8.** The keeper of every hotel containing fifty or more bedrooms furnished for use, shall employ a night watchman who shall be on duty from ten o'clock each night until six o'clock on the following morning. 1937, c. 31, s. 9. Night watchman, —employment of.

**9.—(1)** Every owner, lessee, keeper or proprietor of any hotel who neglects to observe any of the provisions of this Act shall incur a penalty for each offence of not less than \$20 and not exceeding \$200. Penalty.

(2) A conviction for any such offence shall not be a bar to prosecution for a continuance of such neglect subsequent to the conviction, but such continuance shall constitute a new and separate offence. Conviction not bar to further charge.

(3) The penalties imposed by this Act shall be recoverable under the provisions of *The Summary Convictions Act*. 1937, c. 31, s. 10. Recovery of penalties. Rev. Stat. c. 136.

Municipal  
by-laws  
not  
affected.

**10.** Nothing in this Act shall affect any by-laws relating to the matters mentioned herein and lawfully passed by a municipal council, or the authority of a municipal council to pass any such by-laws so far as such by-laws impose additional or more stringent requirements than those imposed by this Act. 1937, c. 31, s. 11.

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## CHAPTER 321.

## The Threshing Machines Act.

**1.**—(1) Every person owning or running a threshing machine, wood-sawing or other machine, which is connected to a horse-power by means of a tumbling rod or line of shafting, shall cause each of the knuckles, couplings or joints and jacks of such tumbling rod or line of shafting to be safely boxed or secured while running, with wood, leather or metal covering, in such manner as to prevent injury to persons passing over or near such tumbling rod, and the knuckles, couplings or joints and jacks thereof, and shall cause all oiling cups attached to arbors or journals to which driving belts are attached to be furnished with tubes of tin or other material which shall extend above the belts in such manner as to prevent injury to a person oiling the machine when it is in motion, and shall cause a driver's platform of sufficient size to cover the gearing of the horse-power to be so placed on it when used for driving machinery as to prevent an injury to any person from contact with such gearing.

Certain machines to be so protected as to prevent injury to persons.

(2) No action shall be maintained, nor shall any legal liability exist, for services rendered by or with any such machine, where the provisions of this section have not been complied with. R.S.O. 1927, c. 287, s. 1.

Non-compliance—bar to action.

**2.** Any person owning or running a threshing, wood-sawing or other machine, connected to a horse-power by means of a tumbling rod or line of shafting, who neglects or refuses to comply with the provisions of this Act, shall incur a penalty of not less than \$1 nor more than \$20, recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 287, s. 2.

Penalty for non-compliance with provisions of this Act. Rev. Stat. c. 136.

**3.** All penalties imposed and collected under this Act shall be paid, one-half to the complainant or prosecutor, and the other half to the treasurer of the school section in which the offence was committed, for the use of the public school in such section. R.S.O. 1927, c. 287, s. 3.

Application of penalties.

**4.** All proceedings against any person for a violation of section 1 shall be commenced within thirty days after the commission of the offence. R.S.O. 1927, c. 287, s. 4.

Limitation of prosecution.

## CHAPTER 322.

## The Vicious Dogs Act.

Dog biting  
person.

**1.** Where a dog is alleged to have bitten any person the owner of the dog may be summoned to appear before a magistrate to show cause why the dog should not be destroyed and if from the evidence produced it appears that the dog has bitten any person the magistrate may make an order that the dog be destroyed. 1931, c. 64, s. 1.

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## 10. PROTECTION OF PROPERTY.

## CHAPTER 323.

## The Counties Reforestation Act.

- 1.** The municipal council of a county may pass by-laws,— County by-laws for acquiring lands for reforestation purposes.
- (a) for acquiring by purchase, lease or otherwise such land designated in the by-law as the council may deem suitable for reforestation purposes;
  - (b) for planting land so acquired and for preserving and protecting the timber thereon;
  - (c) for the management of such land and the sale or other disposal of the timber grown thereon;
  - (d) for the issuing of debentures from time to time for the purpose of providing for the purchase of such land to an amount not exceeding \$25,000 to be owing at any one time;
  - (e) for entering into agreements for developing, protecting, caring for, and managing such lands or any portion thereof;
  - (f) for leasing, selling, or otherwise disposing of such lands or any portion thereof. R.S.O. 1927, c. 289, s. 1.

**2.** No by-law shall be finally passed under this Act until Approval of by-law by Minister. the same shall have been approved in writing by the Minister of Lands and Forests. R.S.O. 1927, c. 289, s. 2.

**3.**—(1) Municipal councils of townships in districts with- Powers of certain township councils. out county organization shall have all the powers, privileges and authority conferred by clauses *a*, *b* and *c* of section 1 on councils of counties.

(2) The councils of such townships shall have power and Idem. authority to levy by special rate a sum not exceeding \$200 in any year for the purpose of providing for the purchase of such lands. R.S.O. 1927, c. 289, s. 3.

## CHAPTER 324.

## The Private Forest Reserves Act.

Interpreta-  
tion.

**1.** In this Act,—

“Minister.”

(a) “Minister” shall mean Minister of Lands and Forests;

“Owner.”

(b) “Owner” shall mean and include any person having any right, title, interest or equity in any land;

“Private  
forest  
reserve.”

(c) “Private forest reserve” shall mean land declared to be a private forest reserve under this Act. R.S.O. 1927, c. 290, s. 1.

Declaring  
forest land  
private  
forest  
reserve.

**2.** The Lieutenant-Governor in Council may, on the recommendation of the Minister, and with the consent of the owner of any land covered with forest or suitable for forestation or reforestation, declare such land to be a private forest reserve. R.S.O. 1927, c. 290, s. 2.

Registra-  
tion of  
declaration.

**3.** Such declaration shall be registered by such owner in the proper registry office for the division in which such land is situated. R.S.O. 1927, c. 290, s. 3.

Effect of  
declaration.

**4.** The effect of such declaration when registered shall be to constitute such land in perpetuity a private forest reserve. R.S.O. 1927, c. 290, s. 4.

Title to  
remain in  
owner.

**5.** The title and ownership of every private forest reserve shall, notwithstanding such declaration, remain in the owner so consenting, save that such owner and his personal representatives and successors in title shall be precluded in perpetuity from cutting or removing any trees upon such private forest reserve, except upon the consent of the Minister, provided such owner may at any time remove dead or fallen wood or trees. R.S.O. 1927, c. 290, s. 5.

Forestation  
and re-  
forestation.

**6.** The Minister may, from time to time, arrange for the forestation or reforestation of any portion of a private reserve. R.S.O. 1927, c. 290, s. 6.

Prohibiting  
cattle from  
running  
at large.

**7.** The Minister may, by regulation or otherwise, prohibit cattle from being allowed to run in the whole or any part of such private forest reserve, and may make such other regulations for the preservation of trees as may be deemed necessary. R.S.O. 1927, c. 290, s. 7.



## CHAPTER 325.

## The Forest Fires Prevention Act.

**1.** In this Act,—Interpreta-  
tion.

- (a) "Department" shall mean Department of Lands and Forests; "Depart-  
ment."
- (b) "Minister" shall mean Minister of Lands and Forests; "Minister."
- (c) "Owner" shall include locatee, purchaser from the Crown, assignee, lessee, occupant, timber licensee, holder of mining claim or location, and any person having the right to cut timber and wood upon any land; "Owner."
- (d) "Regulations" shall mean regulations made under the authority of this Act. 1930, c. 60, s. 2. "Regula-  
tions."

**2.**—(1) The Lieutenant-Governor in Council may by proclamation declare any part of Ontario described in the proclamation a fire district. Proclama-  
tion of fire  
districts.

(2) Such proclamation shall be published in the *Ontario Gazette*, and the part so described shall, from and after publication, be a fire district within the meaning of this Act. Publica-  
tion.

(3) The Lieutenant-Governor in Council may by proclamation terminate, extend, reduce or otherwise change such fire district. 1930, c. 60, s. 3. Changing  
fire district.

**3.** The Lieutenant-Governor in Council may, upon the recommendation of the Minister, appoint a provincial forester for the purpose of carrying out the provisions of this Act and the regulations. 1930, c. 60, s. 4. Provincial  
Forester,—  
appoint-  
ment of.

**4.** The provincial forester shall have charge, under the direction of the Minister, of the administration and enforcement of this Act. 1930, c. 60, s. 5. Duties.

**5.** The Minister may employ for the purposes of enforcing the provisions of this Act, such number of persons as he may deem necessary and who shall be subject to his instructions. 1930, c. 60, s. 6. Officers for  
enforce-  
ment of  
Act.

Honorary  
fire war-  
dens.

**6.** The Minister may accept nominations from the licensees of honorary fire wardens who shall be appointed without salary or other remuneration and who shall have authority to enforce any of the provisions of this Act that the Minister may deem necessary and who shall wear a special badge to be issued by the Department. 1930, c. 60, s. 7.

Arrange-  
ments with  
owner for  
additional  
fire pro-  
tection.

**7.**—(1) Where the owner of any land in a fire district desires to provide protection from fire upon such land in addition to that authorized by the foregoing provisions of this Act, the Minister may arrange with such owner for the appointment of extra or special officers upon such land for the enforcement of this Act and the regulations.

Appoint-  
ments.

(2) Every such appointment shall be made or approved by the Minister and, subject to the regulations, the persons so appointed may exercise and perform the powers and duties of fire rangers or other officers appointed for the enforcement of this Act.

Payment  
of extra  
rangers.

(3) Every person appointed under subsection 1 shall be paid by the owner of the land such salary or other remuneration as the Minister may direct or approve. 1930, c. 60, s. 8.

Close season  
in fire  
districts.

**8.**—(1) Subject to the regulations the period from the 1st day of April to the 15th day of October in each year shall be known as the close season in respect to the setting out of fire.

Setting out  
fire in close  
season.

(2) During the close season no person shall set out fire in a fire district except under the circumstances and subject to the conditions prescribed by the regulations. 1930, c. 60, s. 9.

Setting out  
fire con-  
trary to  
regulations.

**9.** Every person who sets out fire for the purpose of clearing land, removal of waste or debris or who uses fire for industrial purposes in a fire district during the close season, except in accordance with the regulations shall be guilty of an offence against this Act. 1930, c. 60, s. 10.

Regula-  
tions.

**10.** The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,—

Extending  
close  
season.

(a) for extending or restricting the close season for any or all of the fire districts in any year to such date as may be deemed necessary;

Permits.

(b) for granting permits for the use of fire within any fire district, for clearing land, disposal of debris and other inflammable waste, and for industrial purposes; the conditions on which such permits may be granted; the precautions to be taken in the use of fire under

permit, and the appliances, implements and apparatus to be kept at hand by the holders of permits;

- (c) prescribing the circumstances and conditions under which fire may be set out or used for any such purposes without the issue of a permit therefor; As to setting out or use of fire.
- (d) regulating the use of fire out of doors for cooking or obtaining warmth; Use of fire out of doors.
- (e) providing for the making of fire guards and the taking of other precautionary measures when, owing to drought or other circumstances, the Minister deems danger from fire to any town or settlement especially imminent; Fire guards, etc.
- (f) regulating or preventing the piling or accumulation of brushwood, debris and other inflammable material; Accumulation of inflammable material.
- (g) empowering the provincial forester, or any officer or servant of the Department to enter upon the lands of any corporation or individual for the purpose of removing, destroying and disposing of any such inflammable substance and providing that the cost of such work shall be borne by such individual or corporation and be recoverable by action at the suit of the Minister; Destruction and disposal of inflammable material.
- (h) prescribing and regulating the use of fire protective appliances on locomotive engines, logging engines, portable engines, traction engines or stationary engines, using fuel other than oil, and for compelling the use of such appliances and prescribing the precautions to be taken for preventing forest fires being caused by such use or operation; Protective appliances on engines, etc.
- (i) providing for the collection of the cost of any work done under the authority of this Act by the provincial forester, or any officer of the Department, or of a municipal corporation; Collection of cost.
- (j) prescribing penalties for violations of the regulations; Prescribing penalties.
- (k) generally for the better carrying out of forest fire prevention and the provisions of this Act. 1930, c. 60, s. 11. General.

**11.—(1)** Wherever the provincial forester finds upon the land of any person or corporation in a fire district conditions existing which, in his opinion, may be the cause of danger to life or property from fire, he may order the owner or person in Powers of provincial forester as to clearing up land.

control of the land to do what, in the opinion of the provincial forester, is necessary to remove such danger, and in default may enter upon such land with such assistants as he may deem necessary for the purpose of removing the danger.

Cost of work.

(2) The cost of any work done by the provincial forester or his assistants under subsection 1 shall be borne and paid by the owner or person in control of such lands and shall be recoverable by the provincial forester by action in any court of competent jurisdiction.

Penalty.

(3) Any person who neglects or refuses to carry out any order or direction given by the provincial forester or any officer acting under the authority of subsection 1 shall be guilty of an offence against this Act. 1930, c. 60, s. 12.

Offences.

**12.**—(1) During the close season in any year it shall be unlawful for any person, company or corporation in a fire district,—

Using engines without prescribed safeguards.

(a) to use or operate within a quarter of a mile of any forest, slashing or bush land any locomotive, logging engine, portable engine, traction engine or stationary engine, using fuel other than oil, which is not provided with a practical and efficient device for arresting sparks, together with an adequate device for preventing the escape of fire or live coals from all ash pans and fire boxes, and which does not comply in every respect with any regulations for the time being made and in force under and by virtue of the provisions of this Act;

Destroying waste, etc., without spark arresters.

(b) to destroy any wood or waste material by fire within any burner or destructor operated at or near any mill or manufactory or to operate any power-producing plant using in connection therewith any smoke-stack, chimney or other spark emitting outlet, without installing and maintaining on such burner or destructor or on such smoke-stack, chimney or spark emitting outlet a safe and suitable device for arresting sparks complying in all respects with the regulations. 1930, c. 60, s. 13 (1).

Dropping fire or live coals.

(2) No railway company operating within the fire district shall permit fire, live coals or ashes to be deposited on its tracks or right-of-way unless they are extinguished immediately thereafter, except in pits provided for the purpose. 1930, c. 60, s. 13 (2); 1937, c. 72, s. 25.

Injunction.

(3) Notwithstanding the penal provisions of this Act, any court of competent jurisdiction may upon the application of



the provincial forester, grant an injunction against the use of any locomotive, engine, burner or destructor until it shall have been equipped with safety appliances to the satisfaction of the said officer. 1930, c. 60, s. 13 (3).

**13.** It shall be the duty of every engineer in charge of any engine which is not subject to the jurisdiction of the Board of Railway Commissioners for Canada to see that all safety appliances required by this Act or by the regulations are properly used and applied, and in default he shall be guilty of an offence against this Act. 1930, c. 60, s. 14.

**14.—(1)** In this section "owner" shall mean locatee, purchaser from the Crown, assignee, purchaser or occupant.

Duty of engineer.

"Owner,"—meaning of.

(2) Where it appears to the municipal council of a city, town or township in a provisional judicial district that the condition of any land in the municipality or adjacent thereto is by reason of unfinished clearing a source of danger from fire to property in the municipality, the council may cause a statement of the facts to be made to the provincial forester.

Action by municipality in district.

(3) The provincial forester shall make inquiry as to the conditions described by the council and shall report the result of his inquiry to the council with his recommendation as to what action, if any, should be taken thereon.

Inquiry into complaint.

(4) Where the provincial forester finds that cause for complaint exists owing to the unfinished clearing of land the council may give notice to the owner of the land directing him, within a time to be named in the notice, to properly clean up the land or such part thereof or to such extent as the provincial forester may direct and designate in his report and to remove, as far as possible, all source of danger by fire.

Notice to owner to clean up land.

(5) If within the time so fixed the necessary work has not been done, the corporation of the municipality may cause the work to be done and the land to be cleaned up and the expenses of the corporation in doing such work shall be a charge upon the land and shall be payable by the owner forthwith.

Default of owner.

(6) If the land is patented and lies in an organized municipality the treasurer of the municipal corporation doing the work shall notify the clerk of the municipality in which the land lies of the amount so due and if after thirty days after the date of the receipt of such notice the amount remains unpaid the corporation of the municipality in which the land lies shall pay the amount to the treasurer of the municipality doing the

Recovery of expenses where land is patented in organized territory.

work and the corporation making such payment may thereupon register or lodge in the proper registry or land titles office, a declaration under the hand of the reeve or other head and clerk of the municipality and the treasurer thereof and having the corporate seal affixed thereto, declaring that the municipal corporation claims a lien upon the land for the amount so paid and interest thereon at the rate of seven per centum per annum.

Where land is patented in unorganized territory.

(7) If the land is patented and lies in territory without municipal organization the municipal corporation doing the work may register or lodge in the proper registry or land titles office, a declaration to the same effect as the declaration mentioned in subsection 6 under the hand of the reeve or other head of the corporation and the treasurer thereof and having the corporate seal affixed thereto, stating that the corporation claims a lien upon the land for the amount of such expenses with interest at the rate of seven per centum per annum from the date of the declaration.

Effect of registration.

(8) Upon the registration or filing of the declaration mentioned in subsections 6 and 7, the municipal corporation making the declaration shall have a lien upon the land for the amount claimed and such lien shall have priority according to the general law of Ontario and if the claim remains unpaid for a period of three months after registration and filing the same may be enforced by the sale of the land in the manner provided for in the regulations. 1930, c. 60, s. 15.

Duty of municipal corporation in organized townships.

**15.** It shall be the duty of the municipal corporation of any organized township within the fire district to do all necessary things to extinguish grass, brush or forest fires in the township and the costs and expenses thereof shall be borne by the corporation of the township, provided that if the action taken by the municipal corporation in fighting any such fires is in the opinion of the local forest officer not adequate, the local forest officer may do what, in his opinion, is necessary to control and extinguish such fires and any costs and expenses incurred by the Department in controlling or extinguishing such fires shall be a debt due by the corporation of the township to the Department and upon presentation of an account of such costs and expenses certified by the Minister, the treasurer of the municipality shall pay the same. 1933, c. 17, s. 2.

Contribution by Department.

**16.** Upon satisfactory proof being furnished by the township that any fire has started on Crown land within the township half of the total cost of extinguishing such fire shall be borne by the Department. 1933, c. 17, s. 3.

**17.**—(1) The Lieutenant-Governor in Council may appoint constables for the enforcement of the provisions of this Act, and may appoint one or more officers or agents of the Department justices of the peace for the purpose of taking cognizance of and dealing with offences against the provisions of this Act or the regulations made thereunder, and each officer and agent so appointed a justice of the peace shall have the jurisdiction of a justice of the peace in and for the territorial district specified in his commission.

Constables,  
justices of  
the peace,—  
appoint-  
ment of.

(2) The Minister may appoint one or more constables for a period not exceeding seven months, for the carrying out of the provisions of this Act.

Appoint-  
ment of  
temporary  
constables.

(3) A constable appointed under this section may, without warrant, arrest any person found violating any provision of this Act and take him before a justice or justices of the peace and there make complaint.

Arrests  
without  
warrant.

(4) For the purpose of controlling and extinguishing any fire, any officer or other employee of the Department may employ or summon the assistance of any male person between the ages of eighteen and sixty years, excepting only trainmen, boat crews, local telephone operators, telegraphers and despatchers on duty, doctors and persons physically unfit.

Right to  
summon  
assistance  
at fires.

(5) Every person who refuses or neglects to render assistance when required under any of the provisions of this section shall be guilty of an offence against this Act. 1930, c. 60, s. 18.

Penalty  
for refusing  
to assist.

**18.** Any person who throws or drops any burning match, ashes of a pipe, lighted cigarette, cigar or other burning substance in a fire district without extinguishing the same, and any person who discharges a gun within a fire district without seeing that the wadding from such gun is extinguished shall be guilty of an offence against this Act. 1930, c. 60, s. 19.

Burning  
matches,  
ashes, etc.

**19.** The provincial forester and every officer acting under his direction shall have the right while in the performance of his duties to enter into and upon any lands and premises other than a private dwelling, store, storehouse, office or farm building, and every person who hinders, obstructs and impedes any such officer in the performance of his duty shall be guilty of an offence against this Act. 1930, c. 60, s. 20.

Right of  
provincial  
forester  
to enter on  
premises.

**20.**—(1) Every person who shall without lawful authority destroy, deface or remove any notice posted under this Act or the regulations shall be guilty of an offence against this Act.

Destroying  
or defacing  
notices.

Interfering  
with fire-  
fighting  
equipment.

(2) Every person who shall without lawful authority destroy, injure, or remove any equipment placed in the forest for the purpose of protecting the forests from fire shall be guilty of an offence against this Act. 1930, c. 60, s. 21.

Penalty for  
neglecting  
to protect  
against fire.

**21.** Every person who refuses or neglects to make proper effort to protect the property of which he is the owner against injury by fire shall be guilty of an offence against this Act, and, in addition to the other penalties imposed by this Act, shall be liable for the expense incurred by the Department or any of its employees in an effort to protect against fire the property of the person thus in default and the amount of such expense shall be recoverable with costs in an action brought by the Crown. 1930, c. 60, s. 22.

Destruction  
of refuse on  
clearing  
land for  
highway.

**22.**—(1) Every person clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, railway tote-road, ditch or flume shall, as rapidly as the clearing or cutting progresses and the weather conditions permit, or at such other time as an authorized officer of the Department may direct, pile and burn on such right-of-way all refuse, timber, brush or other inflammable material cut or accumulated thereon, all such right-of-way burning to be subject to the requirements of this Act in respect to burning permits. 1930, c. 60, s. 23 (1); 1934, c. 17, s. 2 (1).

Inflam-  
mable  
matter near  
right-of-  
way.

(2) Any person who within three hundred feet of the right-of-way of any railway causes any accumulation of inflammable debris shall at the request of any officer of the Department immediately pile and, subject to the requirements of this Act concerning permits, burn the same. 1930, c. 60, s. 23 (2); 1934, c. 17, s. 2 (2).

Timber cut  
to fall on  
owner's  
land.

(3) No person shall fell or permit to be felled trees or brush in such manner that said trees or brush shall fall and remain on land not owned by the person felling or permitting the felling of such trees or brush.

Clearing in  
neighbour-  
hood of  
mills, etc.

(4) Every person having charge of a camp, mine, sawmill, portable or stationary engine using fuel other than oil and located within one-half mile of any forest or woodland shall have the area surrounding said camp, mine, sawmill, or engine cleared of inflammable material for a distance of at least three hundred feet and such further distance as may in the opinion of the provincial forester, or other officer of the Department, be required.

Accumula-  
tion of in-  
flammable  
refuse.

(5) No person shall within one-half mile of any village, town or city accumulate inflammable debris or permit any such accumulation to remain on any property owned by him or under his control.



(6) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act. 1930, c. 60, s. 23 (3-6). Penalty.

**23.**—(1) Excepting where land is being cleared for agricultural purposes by a locatee, purchaser or patentee, every person, firm or corporation shall in addition to any other requirement be required to obtain from the provincial forester or other authorized officer a written permit before,— Permit required.

(a) carrying on any logging, mining or industrial operation or before clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, tote-road, ditch or flume or before constructing any dam, bridge, or camp or before carrying on any other woods operation of any kind liable to cause the accumulation of any slash or debris on any land within the fire districts of the Province; Woods operations.

(b) operating within a quarter of a mile of any forest, slashing or bush land within the fire districts of the Province any mill for the manufacture of lumber, lath, shingles, sawn ties, veneer, cooperage stock or any other forest product or engaged in the cutting-up, barking or rossing of wood. Permit for milling operations.

(2) The application for such permit shall state the location of the proposed operation or mill, the character thereof, the number of men to be employed, the location of camps and the probable duration of the operation. Description in permit.

(3) The provincial forester or other authorized officer may in the interest of forest protection,— Powers of provincial forester.

(a) refuse the granting of permission for any operation or limit the period during which the operation may be carried on; Right to refuse permit.

(b) require that any permittee carrying on any operation under and by virtue of this section maintain such fire fighting equipment in good repair and at specified locations as the provincial forester, or other authorized officer, may deem necessary for the control of fires which might be caused either directly or indirectly by the operation; Equipment required of permittee.

(c) cancel at any time any permit issued under and by virtue of this section. Right of cancellation.

(4) In the event of any fire being proved to be caused by or as a result of the summer operations of any permittee operation. Cost of extinguishment.

ing under and by virtue of this Act, the permittee shall be required to bear the full cost of extinguishing the same.

Expiration  
of permit.

(5) All permits shall expire on the 30th day of April next after the date thereof and shall be subject to renewal only upon compliance with the terms thereof and with the provisions of this Act and regulations made thereunder.

Penalty.

(6) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act.

Per diem  
penalty.

(7) Where the provincial forester or other authorized officer finds any operation mentioned in subsection 1 being conducted without a permit he may, in addition to any penalty imposed, give notice that such operation must cease until the necessary permit has been secured, and any person, firm or corporation carrying on an operation after such notice has been given shall be subject to a fine of \$25 for each and every day such operation is continued without a permit. 1930, c. 60, s. 24.

Right to  
refuse  
permit.

(8) The provincial forester may refuse to issue a permit under this section to any person, firm or corporation convicted of an offence under this section until such time as the said person, firm or corporation has furnished the Department with a bond in such amount and subject to such conditions as may be satisfactory to the provincial forester. 1934, c. 17, s. 3.

Supplying  
badge.

**24.**—(1) In addition to all other requirements of this Act or regulations thereunder every person, company or corporation carrying on woods operations during the close season on Crown lands shall supply a badge to every employee working on said operation and such badge shall bear such information as the Minister may deem necessary.

When to  
be worn.

(2) The badge shall be worn at all times by the employee when on Crown lands, and it shall be an offence against this Act for a licensee or permittee to allow an employee to engage in such work without a badge, and shall also be an offence for employees supplied with badges to neglect or refuse to carry the same. 1930, c. 60, s. 25.

Permit to  
travel in  
forest area.

**25.**—(1) The Lieutenant-Governor in Council may, whenever he deems it necessary for the protection of any defined forest area within any fire district of Ontario, require that anyone wishing to enter and travel about in such area during the close season shall previously obtain a permit.

Issue of  
permit.

(2) Such permit, called "travel permit" may be obtained without charge from the fire ranger of the place or from any other authorized person.

(3) No person shall travel about in such defined area without having previously obtained a permit. Entering area without permit.

(4) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act. 1930, c. 60, s. 26. Penalty.

**26.** Persons using or travelling in the forest, shall upon request, give the fire rangers or other authorized officers of the Crown information as to name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest from fire, and any person who refuses to give the information required by this section shall be guilty of an offence against this Act. 1930, c. 60, s. 27. Information to be given to fire rangers by tourists, etc.

**27.**—(1) Whenever in the opinion of the Minister it is deemed necessary or expedient, owing to extreme fire hazard conditions, to close any area and shut out therefrom all persons except such as are specially authorized, the Minister may make an order in writing setting out and delimiting the area to be closed and the period during which such closure shall be in force, and any other terms and conditions that may be necessary, and the Minister may from time to time extend such period and reduce or extend the area. Closing the forest.

(2) The Minister may provide for such notice as may be possible under the circumstances, and shall publish a notice of such order setting out the area closed and the period of such closure in such papers as in the opinion of the Minister will give the greatest publicity. 1930, c. 60, s. 28. Notice of closing.

**28.** Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or any regulation or order made thereunder shall be guilty of an offence against this Act and shall incur a penalty of not less than \$25 and not more than \$300, and in default of payment may be imprisoned for a term not exceeding ninety days and in addition shall be liable for the expense incurred by the Department in endeavoring to control or extinguish any fire caused by or resulting from such disobedience, refusal or neglect. 1930, c. 60, s. 29; 1934, c. 17, s. 4. Penalty.

**29.** Every person who violates any provision of this Act shall, in addition to the penalty otherwise provided in this Act, be liable to imprisonment for a period not exceeding ninety days. 1930, c. 60, s. 30. Imprisonment.

Right of  
action for  
damages not  
affected.

**30.** Nothing in this Act shall affect or be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. 1930, c. 60, s. 31.

Recovery of  
penalties.  
Rev. Stat.,  
c. 136.

**31.** The penalties imposed by this Act and the regulations shall be recoverable under *The Summary Convictions Act*. 1930, c. 60, s. 32.



## CHAPTER 326.

## The Railway Fire Charge Act.

**1.** In this Act,—Interpreta-  
tion.

(a) "Collector" shall mean and include any officer in the Department of Lands and Forests designated by the Lieutenant-Governor in Council as being charged, under the direction of the Minister, with the administration of this Act; "Collector."

(b) "Minister" shall mean Minister of Lands and Forests; "Minister."

(c) "Railway lands" shall mean and include all lands heretofore or hereafter set apart under any general or special Act of this Legislature as a land subsidy or otherwise in aid of any railway or of any works in connection therewith or of any works to be established, maintained or carried on by any railway; "Railway lands."

(d) "Tenant" shall mean and include a license or occupant or any person or persons other than the owner having any right to cut timber on railway lands whether such right is derived from the owner or otherwise. R.S.O. 1927, c. 292, s. 1. "Tenant."

**2.** The owner or tenant of any railway lands shall pay to the Minister annually for the uses of the Province of Ontario and for the purpose of defraying the expenses of protecting the property, rights and interest of such owner or tenant against fire, for every square mile or fraction thereof of such railway lands a sum not exceeding \$10 per annum, as may be prescribed by the Lieutenant-Governor in Council from time to time. R.S.O. 1927, c. 292, s. 2; 1937, c. 72, s. 54 (1). Annual charge for protection.

**3.—**(1) A tenant of railway lands shall be jointly and severally liable with the owner for the payment of the charge hereby imposed and the charge imposed by this Act shall become due and be payable on or before the 1st day of May in each year. Liability of tenant.

(2) If any question should at any time arise between the owner and tenant of any railway lands as to the proportion in which such charge shall be borne as between the owner and tenant, either the owner or the tenant may apply to the Minister to fix such proportion and the decision of the Minister shall Apportionment of charge.

be final and binding as between the owner and the tenant. R.S.O. 1927, c. 292, s. 3.

Exemption  
of agri-  
cultural  
lands.

4. Where the owner or tenant of any railway lands furnishes proof to the satisfaction of the Minister on or before the 1st day of January in any year in which the charge is payable, that such railway lands or any part thereof were during the preceding calendar year actually and in good faith in use for agricultural purposes the owner or tenant shall be entitled to a reduction of the charges payable by him to the extent to which such railway lands were so used, but the decision of the Minister as to the right to exemption under this section shall be final and shall not be open to appeal or be questioned in any manner whatsoever. R.S.O. 1927, c. 292, s. 4.

Recovery  
of charge  
by action.

5. The charge imposed by this Act shall be a debt due to the Crown and shall be recoverable at the suit of the Minister in an action brought by him in his name of office in any court of competent jurisdiction. R.S.O. 1927, c. 292, s. 5.

Collector's  
roll.

6. The collector shall prepare a roll of the lands in respect of which the charge imposed by this Act is payable and shall insert therein such particulars as he may be able to ascertain and as may be required by the regulations. R.S.O. 1927, c. 292, s. 6.

Notice of  
charge.

7. The collector shall estimate the amount due in respect of any railway lands in each year and shall insert such amount in the roll and he shall give notice thereof to the owner and to the tenant, if any, in such form and manner as may be prescribed by the regulations. R.S.O. 1927, c. 292, s. 7.

General  
notice.

8. The collector shall on or before the 1st day of February in each year cause to be inserted in the *Ontario Gazette* and in some newspaper published in every county or district in which railway lands are situate, a notice of the sum prescribed under the provisions of section 2 and the date on which the charges imposed by this Act are required to be paid. R.S.O. 1927, c. 292, s. 8; 1937, c. 72, s. 54 (2).

Arrears  
to bear  
interest.

9. All arrears in respect to the charge payable under this Act shall bear interest at the rate of seven per centum per annum from the date when the same became payable. R.S.O. 1927, c. 292, s. 9.

Forfeiture  
of lands  
for non-  
payment.

10. Where any sum payable in respect to the charge remains unpaid for a period of two years after the date when payment should have been made, the collector shall cause to

be published in the *Ontario Gazette* a notice in the form prescribed by the regulations, describing the lands and stating the amount of arrears payable in respect thereof and notifying all owners and tenants of such lands that unless the arrears are paid within three months from the date of the publication of such notice the Minister may declare the lands and all right, title and interest therein forfeited to the Crown. R.S.O. 1927, c. 292, s. 10.

**11.** The notice shall also be published in some newspaper in every county or district in which the railway lands therein described are situated. R.S.O. 1927, c. 292, s. 11. Notice of forfeiture.

**12.** Where the arrears are not paid within the period specified by the notice, the Minister, by a certificate under his hand and seal, may declare the lands, or so much thereof as he may deem sufficient, to be forfeited to the Crown and upon the registration of such certificate in the proper registry or land titles office, the lands described in the certificate and all right, title and interest therein or thereto or arising out of the same shall be forfeited to and be revested in His Majesty for the Province of Ontario. R.S.O. 1927, c. 292, s. 12. Certificate of forfeiture.

**13.** Where the Minister by his certificate of forfeiture has declared any railway lands forfeited to the Crown under section 12, such forfeiture shall have effect and shall be valid and binding notwithstanding any defect in substance or form in any proceeding taken for the collection of the charge imposed by this Act, and such certificate of forfeiture shall be final and conclusive and no proceedings to set the forfeiture aside shall lie or be taken in any court upon any ground whatsoever. R.S.O. 1927, c. 292, s. 13. Forfeiture valid notwithstanding defects.

**14.** Where a certificate of forfeiture has been given by the Minister under this Act and the lands in respect of which such certificate is given have not subsequently been sold or otherwise disposed of by the Crown, the Minister, upon payment of all arrears then due together with such charges as the Minister may deem reasonable and proper and upon such terms and conditions as he may deem just, may issue a certificate cancelling the forfeiture, and upon registration of such certificate in the proper registry or land titles office such forfeiture shall be cancelled and the owner and the tenant of the lands shall have the same rights therein as if the forfeiture had never taken place. R.S.O. 1927, c. 292, s. 14. Cancelling forfeiture on non-payment of arrears.

**15.** The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) designating the collector and prescribing his duties and the procedure in his office;
  - (b) prescribing the forms to be used in carrying out the provisions of this Act;
  - (c) requiring the owners and tenants of railway lands to furnish such returns and other information to the Minister as may be deemed necessary;
  - (d) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 292, s. 15.
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## CHAPTER 327.

## The Fire Guardians Act.

**1.**—(1) The council of a township may, on the petition of one-third of the ratepayers, at any meeting to be held before the 1st day of April in any year, appoint by by-law not less than two resident freeholders for each polling subdivision within the municipality to carry out the provisions of this Act. Appointment of fire guardians.

(2) The persons so appointed shall be called “fire guardians” and shall hold office until the first meeting of a new council elected after their appointment and until their successors are appointed. R.S.O. 1927, c. 293, s. 1. Tenure of office.

**2.** No person shall, after the passing of such by-law, set out fire, or set fire to any brush heap or other combustible material, in any field, clearance or place in such township where the same would be likely to spread, between the 1st day of July and the 1st day of October in any year, without having first obtained permission in writing from one of the fire guardians. R.S.O. 1927, c. 293, s. 2. Leave to be obtained before setting out fires.

**3.** Such permission shall not be pleaded or given in evidence in any action for negligently setting out fire, or in extenuation of so doing, or in mitigation of damages, but the absence of such permission shall be *prima facie* evidence of negligence. R.S.O. 1927, c. 293, s. 3. Leave not to be relied on in actions for negligence.

**4.** A fire guardian on being requested to grant permission to set out fire shall examine the place at which it is intended to set out the fire and the adjacent land and the timber, trees and other property thereon, and he shall refuse such request if, in his opinion, it would not be safe to set out the fire. R.S.O. 1927, c. 293, s. 4. Inspection by fire guardian before granting leave.

**5.** The council may, by by-law, make provision for payment to the fire guardians for their services and may fix a penalty to be imposed upon fire guardians refusing or neglecting to perform their duties under this Act or the by-law. R.S.O. 1927, c. 293, s. 5. Matters to be provided for in the by-law.

**6.** Any person who contravenes the provisions of section 2 shall incur a penalty not exceeding \$100, recoverable on information of any resident ratepayer in the municipality before Penalty.

Rev. Stat.,  
c. 136.

a magistrate or two justices of the peace sitting together under  
*The Summary Convictions Act*. R.S.O. 1927, c. 293, s. 6.

Applica-  
tion of  
penalty.

**7.** The complainant shall be entitled to one-half of the  
penalty and the other half shall be paid over to the treasurer  
of the municipality. R.S.O. 1927, c. 293, s. 7.

When Act  
not to  
apply.

**8.** This Act shall not apply to any portion of Ontario which  
has been declared a fire district under the provisions of any  
Act. R.S.O. 1927, c. 293, s. 8.

Rev. Stat.,  
cc. 266, 325.

(NOTE.—See also provisions of *The Municipal Act* and *The  
Forest Fires Prevention Act*.)

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## CHAPTER 328.

## The Fires Extinguishment Act.

**1.**—(1) The council of a county may provide by by-law that fire guardians, fence-viewers, overseers of highways or pathmasters, appointed by township councils, whenever the woods or prairies in any township are on fire so as to endanger property shall order as many of the male inhabitants of such township residing in the vicinity of the place where such fire is as may be deemed necessary to repair to the place where such fire prevails and assist in extinguishing the same or in stopping its progress.

By-law of  
county  
council  
giving  
powers.

(2) Where there is no county council the council of any township may pass such by-law. R.S.O. 1927, c. 294, s. 1.

By-law of  
township  
council.

**2.**—(1) Every such officer shall give to every person employed by him under section 1 a certificate of the number of days' work done by him, and such work shall be allowed to him in his next year's statute labour, or, if such person is not liable to perform statute labour or not so many days' statute labour as the number mentioned in such certificate, the council may direct that such work shall be paid for out of the funds of the municipal corporation, and such person shall be entitled to be paid by the township treasurer the amount of such certificate or the amount not credited on the next year's statute labour, as the case may be.

Work done  
to be  
allowed for  
as statute  
labour.

(2) The county council may also provide for the application by the township councils of so much of the commutation of statute labour fund as may be required for assisting to extinguish or stop the progress of fires within their respective municipalities. R.S.O. 1927, c. 294, s. 2.

Application  
of com-  
mutation  
fund by  
townships.

**3.** If a township council neglects to provide for the application of so much of the commutation of statute labour fund, or for payment of such amount as may be required for the purposes mentioned in section 2, the county council may do so and may pay the amount of such certificates and impose upon the township so in default a rate sufficient for that purpose to be levied and collected in the manner provided by *The Assessment Act* for the collection of a county rate. R.S.O. 1927, c. 294, s. 3.

Upon de-  
fault of  
townships,  
county may  
provide for  
payment  
of work.

Rev. Stat.,  
c. 272.

Penalty for  
refusing to  
assist in ex-  
tinguishing  
fires.

Rev. Stat.,  
c. 136.

**4.** Every person who refuses or neglects to turn out and work under any fire guardian, fence-viewer, overseer of highways or pathmaster, who has ordered him to turn out for that purpose, shall incur a penalty not exceeding \$20, recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 294, s. 4.

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## CHAPTER 329.

## The Fire Marshals Act.

## 1. In this Act,—

Interpre-  
tation

- (a) "Minister" shall mean that member of the Executive Council to whom for the time being the administration of this Act is assigned; "Minister."
- (b) "Regulations" shall mean the regulations made by the Lieutenant-Governor in Council under the authority of this Act. R.S.O. 1927, c. 295, s. 1. "Regulations."

2.—(1) There shall be an officer to be known as the Fire Marshal, who shall be appointed by the Lieutenant-Governor in Council. Appointment of Fire Marshal.

(2) There shall be an officer to be known as the Deputy Fire Marshal, who shall be appointed by the Lieutenant-Governor in Council, and shall act in the stead of the Fire Marshal in the absence of, or during the illness or incapacity of the Fire Marshal, or in the case of a vacancy in the office, and who, when so acting, shall have all the power and authority of the Fire Marshal, and who shall exercise such powers and perform such duties for the prevention or investigation of fire or the protection of life and property from fire as the Lieutenant-Governor in Council may deem expedient and as may be prescribed by the regulations. Deputy Fire Marshal.

(3) The Lieutenant-Governor in Council may appoint such number of persons as he may deem necessary to be district deputy fire marshals, who shall, subject to the regulations, possess the powers to perform the duties of the Fire Marshal in the respective localities for which they are appointed, and shall be under the direction and control of the Fire Marshal. District deputy fire marshals. R.S.O. 1927, c. 295, s. 2 (1-3).

(4) The Lieutenant-Governor in Council may appoint inspectors who, under the direction of the Fire Marshal, shall investigate the cause, origin and circumstances of fires occurring in Ontario and perform such other duties as may be provided by this Act and the regulations, and while so acting every such inspector shall be subject to the regulations and possess the same powers as the Fire Marshal. 1937, c. 25, s. 2 (1). Inspectors, —appointment of.

Officers and assistants.

(5) The Lieutenant-Governor in Council may also appoint such officers, clerks and servants as may be deemed necessary for carrying out and enforcing the provisions of this or any other Act of Ontario relating to the prevention and investigation of fire, and of the regulations. R.S.O. 1927, c. 295, s. 2 (5).

Salaries.

(6) The Fire Marshal, Deputy Fire Marshal, district deputy fire marshals, inspectors and other officers, clerks and servants shall receive such salaries or other remuneration as shall be fixed by the Lieutenant-Governor in Council. R.S.O. 1927, c. 295, s. 2 (6); 1937, c. 25, s. 2 (2).

Salaries and expenses,—  
how payable.

(7) The said salaries and other remuneration and the expenses incurred in investigations and in the exercise of the powers and duties conferred and imposed upon the officers and assistants to the Fire Marshal or other persons in the prevention or investigation of fires, and generally all expenses incurred in carrying out the provisions of this Act or the regulations shall be payable out of such moneys as may be appropriated by the Legislature for salaries and expenses under this Act.

Grant to fire prevention association.

(8) The Lieutenant-Governor in Council may direct the payment out of the appropriation made by the Legislature for salaries and expenses in connection with this Act of a grant to any association or league or society incorporated for the purpose of fire prevention, and such grant may be subject to such terms and conditions as the Lieutenant-Governor in Council may deem proper. R.S.O. 1927, c. 295, s. 2 (7, 8).

Power of Lieutenant-Governor in Council to make regulations.

**3.** The Lieutenant-Governor in Council may make regulations,

Prescribing duties.

(a) prescribing the respective duties of the Fire Marshal, Deputy Fire Marshal, district deputy fire marshals and inspectors, and of the officers, clerks and servants of the Fire Marshal's office;

Prescribing forms, etc.

(b) fixing the forms of and particulars to be stated in the records and returns to be made by the Fire Marshal, Deputy Fire Marshal, and district deputy fire marshals, and by every person who may be required under this Act to furnish information to the Fire Marshal;

Statistics.

(c) requiring any person to furnish such statistical and other information to the Fire Marshal as may be deemed necessary;

(d) providing for the appointment of an advisory committee the members of which shall serve without remuneration, and defining the duties and powers of such committee; Advisory committee.

(e) generally for the better carrying out of the provisions of this Act. Generally. R.S.O. 1927, c. 295, s. 3; 1937, c. 25, s. 3.

4. Subject to the regulations and for the prevention and investigation of fire, it shall be the duty of the Fire Marshal, and he shall have power,— Powers and duties of Fire Marshal.

(a) whenever he has reason to believe that the council of a municipality has not passed a by-law under the authority of any of the sections of *The Municipal Act* relating to the prevention of fire or protection of life and property therefrom, or that any such by-law which has been passed by a municipal council is not complete or is not being enforced, to confer with members or officers of such council and to assist them as far as may be expedient and practicable in preparing, improving and enforcing such by-law; Municipal by-laws. Rev. Stat., c. 266.

(b) to require the chief of the fire department of a municipality or any other person who may be designated as an assistant of the Fire Marshal to assist in the enforcement of any such by-law; Requiring assistance.

(c) to disseminate information and advice as to the prevention of fire by means of public meetings, newspaper articles, exhibitions and moving picture films and otherwise as he may consider advisable; Propaganda as to fire prevention.

(d) to assist in the formation of local associations or leagues and to co-operate with any body or persons interested in developing and promoting the principles and practices of fire prevention; Assisting local organizations for fire prevention.

(e) to keep a record of every fire reported to him with such facts, statistics and circumstances as may be required by the regulations; Records of fires.

(f) to investigate the cause, origin and circumstances of any fire so reported to him and so far as it is possible determine whether it was the result of carelessness or design; Investigation of fires.

(g) to report to the Crown attorney of the proper county or district the facts found upon the evidence in any case in which he has reason to suppose that loss by fire has been occasioned by criminal negligence or Report to Crown attorney where offences suspected.

design or in which he deems an offence has been committed against the provisions of this Act;

Withhold-  
ing payment  
of insurance  
money.

- (h) whenever he may deem it advisable in the public interest to order the withholding of insurance money which may become payable by reason of any fire for a period not exceeding sixty days from the occurrence of fire pending an investigation of the cause and circumstances of the fire; R.S.O. 1927, c. 295, s. 4.

Powers  
of Fire  
Marshal as  
to entry and  
inspection.

- (i) Subject to the regulations, to enter upon, examine and inspect from time to time hotels, apartment houses, factories, work shops and other places where persons reside or are employed in numbers, and direct such alterations to be made and such precautions to be taken as he may deem necessary for the purpose of complying with the provisions of any statute or regulation made for the better protection of life and property in such buildings. 1930, c. 61, s. 2.

Powers  
to hold  
inquiries.

5. For the purpose of any inquiry or investigation which it is his duty or which he has the power to hold under the provisions of this Act, the Fire Marshal shall have and may exercise all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*. R.S.O. 1927, c. 295, s. 5.

Rev. Stat.,  
c. 19.

Commis-  
sioner of  
Police, in-  
vestiga-  
tions by.

- 6.—(1) The Commissioner of Police for Ontario shall have and may exercise the powers conferred upon the Fire Marshal by this Act or the regulations with respect to the investigation of the cause, origin and circumstances of fires.

Remunera-  
tion of Com-  
missioner of  
Police and  
expenses of  
officers.

- (2) The Lieutenant-Governor in Council may fix the remuneration to be paid to the Commissioner of Police for Ontario for services under this section, and the amount so fixed and the expenses of any work performed for the Fire Marshal by any member of the Ontario Provincial Police Force shall be paid out of such moneys as may be appropriated by the Legislature for salaries and expenses in connection with this Act. R.S.O. 1927, c. 295, s. 6.

Fire  
Marshal's  
deputy  
*pro tempore*.

7. The Fire Marshal, subject to the approval in writing of the Minister, may by writing under his hand, appoint any other person his deputy *pro tempore* for the purpose of holding an investigation into the cause, origin and circumstances of any fire, and for that purpose, the deputy *pro tempore* shall have all the powers conferred upon the Fire Marshal by this Act or the regulations. R.S.O. 1927, c. 295, s. 7.



8. The Fire Marshal may, with the approval of the Minister, employ such legal, technical, scientific, clerical or other assistance as he may deem advisable or necessary in the conduct of any investigation held under the provisions of this Act, and in carrying out the provisions of this Act relating to the prevention of fire and in the exercise and performance of the powers and duties of the Fire Marshal. R.S.O. 1927, c. 295, s. 8.

Employment of expert and professional assistance.

9.—(1) The chief of the fire department of every municipality in which a fire department is established, and the clerk of every other municipality shall be by virtue of the office held by him an assistant to the Fire Marshal, and it shall be the duty of every assistant to the Fire Marshal to act under his direction in carrying out the provisions of this Act.

Assistants *ex officio*.

Duty of assistants.

(2) The assistants to the Fire Marshal shall report to him in writing on forms to be supplied by him, all the fires occurring in their respective municipalities within three days after receiving information of the fire.

Their duty to report.

(3) Except in the case of a city or town where the chief of the fire department is paid in whole or in part by the corporation of the municipality, every such assistant of the Fire Marshal shall be paid the sum of \$1 for each report, upon the certificate of the Fire Marshal, out of such moneys as may be appropriated by the Legislature for salaries and expenses in connection with this Act. R.S.O. 1927, c. 295, s. 9.

Fees of assistants.

(4) Whenever in any urban municipality a fire prevention bureau has been established by the corporation, or where the chief of the fire department of any urban municipality has designated one or more members of the fire department of such municipality as a fire prevention officer or officers, every person who is a member of such bureau or who is so designated, shall be an assistant to the Fire Marshal and shall be possessed of all the powers of an assistant to the Fire Marshal under this Act. 1929, c. 76, s. 2.

Assistants to the Fire Marshal.

10.—(1) Every fire insurance company authorized to transact business in Ontario shall report to the Fire Marshal, through the secretary or some other officer of the company designated by the board of directors for that purpose, all fire losses on property insured in any such company, giving the date of the fire, and such other particulars as are required by the regulations.

Fire insurance companies, duty to report.

(2) The report shall be mailed to the Fire Marshal within three days after notice of loss is received by the company.

Transmitting reports.

Reporting  
losses  
adjusted.

(3) Every such company shall also report to the Fire Marshal the amount of the loss as adjusted on each fire after the adjustment is made.

Particulars  
of fire to be  
furnished  
by insured.

Rev. Stat.,  
c. 256.

(4) Every person sustaining, or claiming to have sustained a loss by fire on property in Ontario insured wholly or partially in an insurance company not licensed or registered under *The Insurance Act*, shall report to the Fire Marshal within three days after the occurrence of the fire the particulars of such insurance, the date of the fire, and such other information as may be called for by the regulations, and he shall also within ten days after completing proofs of loss against the company in which he is so insured file with the Fire Marshal a full statement of the amount of loss claimed from every such company.

Claimant on  
loss to fur-  
nish inform-  
ation to  
Fire  
Marshal's  
assistant.

(5) Every person sustaining a loss by fire on property in Ontario shall upon the written or oral request of any assistant to the Fire Marshal, furnish to such assistant within seven days after receipt of such request, whatever information may be required to complete the form of report called for in subsection 2 of section 9.

Adjusters  
to furnish  
report on  
loss to Fire  
Marshal.

(6) Every person adjusting a claim against a fire insurance company, whether such company is licensed to transact business in Ontario or not and whether such adjuster represents the company or the claimant, shall within three days after the completion of the adjustment, forward a report in writing to the Fire Marshal, giving the date of the fire, the value of the property affected by the different items of the policy as established during the process of the adjustment of the claim, the insurance in each company, the amount of loss allocated to be paid by each company and such other particulars as may be required by the regulations. R.S.O. 1927, c. 295, s. 10.

Fire chief  
to be  
notified  
of claim.

(7) Every person adjusting a claim against a fire insurance company in a municipality having an organized fire department shall, where such fire department has not been summoned to or attended at the fire giving rise to such claim, by notice in writing, advise the chief of such fire department of the occurrence of such fire. 1937, c. 25, s. 4.

Saving as  
to duties  
provided for  
by municip-  
al by-law.

**11.** Nothing in this Act shall render it obligatory for the Fire Marshal to perform in any local municipality such of the duties prescribed by this Act as are provided for by by-laws of the corporation. R.S.O. 1927, c. 295, s. 11.

Fund for  
expenses of  
Fire  
Marshal.  
Rev. Stat.,  
c. 256.

**12.—(1)** Every person or corporation transacting the business of fire insurance within the meaning of *The Insurance Act* shall, in addition to the taxes now required by law to be paid by such person or corporation, pay to the Treasurer of Ontario

an amount not exceeding one-third of one per centum of the gross premiums, or fixed payments and assessments received by such person or corporation in respect of business transacted in Ontario during the preceding year as shown by the annual statement furnished to the Treasurer of Ontario under *The Corporations Tax Act*, and in the case of a mutual fire insurance company as shown by the annual statement furnished to the Department of Insurance under *The Insurance Act*. Rev. Stat., c. 29.

(2) Every person sustaining or claiming to have sustained a loss by fire on property in Ontario insured in a company not licensed or registered under *The Insurance Act* shall pay to the Treasurer of Ontario an amount equal to one per centum upon the gross amount of loss claimed upon such unlicensed or unregistered company and such amount shall be due and payable not later than sixty days from the date of filing the claim upon such company or its representative whether the claim has or has not been paid at the expiration of such sixty days, provided that where the claim is sent by mail, the date of the mailing shall be taken for the purposes of this subsection to be that upon which the claim was filed. Contribution by persons insured in unregistered companies.  
Rev. Stat., c. 256.

(3) The total of such amounts shall constitute a special fund for the maintenance of the office of Fire Marshal, and the expense incident thereto, but any portion of such fund remaining unexpended at the end of any year and not required for such maintenance shall be carried forward to the next fiscal year and the next assessment upon the fire insurance companies correspondingly reduced. Application of fund.

(4) The Treasurer of Ontario may make a preliminary assessment of one-third of one per centum as provided in subsection 1, and such assessment shall be made upon the basis of the premiums, fixed payments and assessments received in respect of business transacted in Ontario during the last complete year for which annual statements have been filed in accordance with *The Corporations Tax Act* and *The Insurance Act*, and the amount of such assessment shall be subject to the provisions of subsection 3. R.S.O. 1927, c. 295, s. 12. Preliminary assessment for expenses.  
Rev. Stat., cc. 256, 29.

(5) Every person who contravenes the provisions of this section shall be guilty of an offence against this Act and shall be liable to the penalty prescribed by section 16. 1931, c. 62, s. 2. Penalty.

**13.** The Fire Marshal shall keep such registers and books of account as may be prescribed by the Lieutenant-Governor in Council. R.S.O. 1927, c. 295, s. 13. Books.

Power to  
obtain  
evidence.

**14.** The Fire Marshal, the Deputy Fire Marshal, district deputy fire marshals and inspectors shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1927, c. 295, s. 14; 1937, c. 25, s. 5.

Duty of  
witnesses  
to give  
evidence.

**15.** Every person upon being served with a summons under the hand of the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal or inspector to attend for the purposes of giving evidence shall attend in pursuance of such summons, and shall be entitled to be paid such fees and expenses as are prescribed by the regulations. 1937, c. 25, s. 6.

Penalty.

**16.** Every person who,—

Obstruct-  
ing.

(a) hinders or disturbs the Fire Marshal or any officer appointed under this Act in the execution of his duties;

Contraven-  
ing Act.

(b) violates any of the provisions of this Act or any regulations made thereunder;

Failure  
to give  
evidence.

(c) refuses or neglects to attend and be sworn and give evidence before the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal or inspector;

Disobedi-  
ence to  
orders  
of Fire  
Marshal.

(d) refuses or neglects to obey or carry out the instructions or directions of the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal or inspector given under the authority of this Act;

Penalties  
not relief  
from ful-  
filment of  
obligations.

shall be guilty of an offence and where a penalty for such offence is not elsewhere in this Act provided for, shall, upon summary conviction, incur a penalty not exceeding \$20, but the imposition of any such penalty or the payment thereof shall not relieve any person convicted from fulfilling any obligation for the neglect of which the penalty was imposed. R.S.O. 1927, c. 295, s. 16; 1937, c. 25, s. 7.

Duty of  
Crown  
attorney to  
prosecute.

**17.—**(1) It shall be the duty of the Crown attorney of every county or district, upon receiving the report of the Fire Marshal or upon receiving notice of any offence having been committed against any of the provisions of this Act or the regulations, to institute and conduct a prosecution of any person who appears to have been guilty of an offence against the *Criminal Code* or against this Act or the regulations.

R.S.C.  
c. 36.

Crown  
attorney to  
attend at  
investiga-  
tion when  
requested.

(2) Upon the request of the Fire Marshal, it shall be the duty of the Crown attorney of the county or district to attend any investigation held under the provisions of this Act and



to examine the witnesses at such investigation and assist the Fire Marshal in the conduct of the investigation.

(3) For such services, if the investigation is concluded in one day, the Crown attorney shall be entitled to the sum of \$15 and should the investigation extend beyond one day, \$10 *per diem* for each additional day. Remuneration.

(4) If the investigation is held in any place other than the county or district town, the Crown attorney shall also be entitled to his actual disbursements for travelling and other expenses. Travelling expenses, etc., when allowed. R.S.O. 1927, c. 295, s. 17.

**18.**—(1) The corporation of every city and town shall provide a suitable place for the holding of investigations and public inquiries by the Fire Marshal or his deputy, and until such place is provided, such investigations and inquiries may be held in the magistrate's court room of the municipality, but at such times as shall not interfere with the use of such court room for the holding of the magistrate's court. City or town to provide place for holding investigation.

(2) If a suitable place is not provided by the corporation, the Fire Marshal may procure a suitable place for holding the investigation or inquiry and the expense incurred shall be borne by the corporation. Where city or town does not act. R.S.O. 1927, c. 295, s. 18.

**19.** The fees and expenses as certified by the Fire Marshal to be payable to the Crown attorney or to witnesses or for assistance given or services rendered to the Fire Marshal under the authority of this Act, shall be payable out of such moneys as may be appropriated by the Legislature for salaries and expenses in connection with this Act. Payment of fees and expenses out of appropriation. R.S.O. 1927, c. 295, s. 19.

**20.**—(1) Subject to the regulations, the Fire Marshal, a district deputy fire marshal or an assistant or inspector may, upon the complaint of any person interested, or when he deems it necessary so to do, without such complaint, inspect all buildings and premises within his jurisdiction, and for such purpose may at all reasonable hours enter into and upon such buildings and premises for the purpose of examination, taking with him if necessary, a peace officer or such other assistance as he may deem proper. Inspection of buildings and premises. R.S.O. 1927, c. 295, s. 20 (1).

(2) If, upon such inspection, it is found that a building or other structure is for want of proper repair or by reason of age and dilapidated condition or any other cause especially liable to fire, or is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein or that exits from the building or buildings Orders on inspection.

are inadequate or improperly used, or that there are in or upon the building or premises combustible or explosive materials or conditions dangerous to the safety of such buildings or premises or to adjoining property, the officer making such inspection may order,—

- (a) the removal of such buildings or the making of such structural repairs or alterations therein;
- (b) the removal of such combustible or explosive material, or the removal of anything that may constitute a fire menace;
- (c) the installation of safeguards by way of fire extinguishers, fire alarms and other devices and equipment and also such fire escapes and exit doors as may be deemed necessary to afford ample exit facilities in the event of fire or an alarm of fire. R.S.O. 1927, c. 295, s. 20 (2); 1931, c. 62, s. 3 (1); 1937, c. 25, s. 8 (1).

Appeal to  
Fire Mar-  
shal from  
order of  
subordin-  
ate.

(3) If the occupant or owner of any such buildings or premises deems himself aggrieved by any order made by an officer other than the Fire Marshal made under this section, then in case the order is made under clause *a* of subsection 2, the person aggrieved may appeal within ten days from the making of the order to the Fire Marshal, who shall examine such order and affirm, modify or revoke the same and cause a copy of his decision to be served upon the party appealing.

Appeal from  
Fire Mar-  
shal to  
county  
judge.

(4) If the party appealing is dissatisfied with the decision of the Fire Marshal, he may within five days after the service of such decision, apply by way of originating notice according to the practice of the court, to the judge of the county or district court of the county or district in which the property is situate, for an order modifying or revoking the order or extending the time for compliance therewith, and the judge, upon such application, may affirm, modify or revoke such order and his decision shall be final. R.S.O. 1927, c. 295, s. 20 (3, 4).

Failure to  
prosecute  
appeal.

(5) If the appeal to the county or district judge is not prosecuted by the appellant within sixty days from the filing of the originating notice, the county or district judge may dismiss the appeal at the request of the Fire Marshal. 1931, c. 62, s. 3 (2).

When ap-  
peal to Fire  
Marshal to  
be final.

(6) In the case of an order made under clause *b* of subsection 2 by an officer other than the Fire Marshal, the occupant or owner shall have the like right of appeal to the Fire Marshal as in the case of an order made under clause *a* of subsection 2, and the decision of the Fire Marshal upon such appeal shall be

final and binding and shall not be subject to appeal. R.S.O. 1927, c. 295, s. 20 (5).

(7) Every person who fails to obey an order made under Penalties. clause *a* of subsection 2 after the time allowed for appeal therefrom has elapsed, shall incur a penalty of not less than \$10 in all and not exceeding \$100 for every day during which such default continues, and every person who fails to obey an order made under clause *b* or clause *c* of subsection 2 shall incur a penalty of not less than \$10 in all and not exceeding \$20 for each day upon which such default continues. 1937, c. 25, s. 8 (2).

(8) Every penalty under subsection 7 shall be recoverable before a magistrate or two or more justices of the peace under *The Summary Convictions Act*, but the imposition of any such penalty or the payment thereof shall not relieve any person convicted from fulfilling any obligation for the neglect of which the penalty was imposed. 1929, c. 76, s. 3, *part*. Manner of collecting. Rev. Stat., c. 136.

(9)—(a) If the owner is absent from or is a non-resident of the Province, or his whereabouts within the Province is unknown, and there is no occupant of the building or premises, or his whereabouts within the Province is unknown, the Fire Marshal may direct and procure,— Action in absence of owner of premises.

(i) the removal of such buildings ;

(ii) the removal of such combustible or explosive material, or the removal of anything that may constitute a fire menace ;

in such manner as he may deem proper, provided that no expense shall be incurred for such purpose beyond the amount of \$100 without the approval of the Minister. Expenses.

(b) The expense so incurred shall be paid in the first instance out of any appropriation of the Fire Marshal's office.

(c) The Fire Marshal shall certify to the treasurer of the municipality within which the building, premises, or structure is situate, the expenses actually and necessarily incurred, and such treasurer shall forthwith pay the amount so certified to the Treasurer of Ontario, and the same may be entered upon the collector's roll against the land or premises in relation to which action was so taken and shall constitute a lien thereon and be levied and collected as taxes against such land or premises. 1929, c. 76, s. 4 ; 1931, c. 62, s. 3 (3).

**21.** Without regard to any of the provisions of this Act, and in addition to any of the powers herein granted, the Lieutenant-Governor in Council may make such regulations as Power to make regulations to prevent fire.

may be deemed necessary for preventing and limiting the occurrence of fire and explosion in establishments in which any liquid or other material of an organic, flammable, or volatile nature (whether produced naturally or synthetically) is used for dry cleaning or dry dyeing purposes, and may provide for the registration and licensing of all such establishments and impose penalties for the breach of any such regulations. 1933, c. 16, s. 2.

Power to  
suspend  
deputy or  
other  
official.

**22.**—(1) The Fire Marshal may suspend from duty any district deputy fire marshal or other official for such cause as he may deem sufficient and shall report such suspension immediately to the Minister.

Pay to  
cease during  
suspension.

(2) The pay of such district deputy fire marshal or other official shall not be allowed during the period of suspension, except by order in writing of the Minister. R.S.O. 1927 c. 295, s. 21.

Fire  
Marshal  
may adopt  
rules for  
prevention  
of fire.

**23.**—(1) Subject to the regulations, the Fire Marshal shall from time to time as may be found necessary for the prevention of fire and for safeguarding human life from the danger of fire, adopt rules and regulations for the use, storage and handling of explosives and volatile compounds, including crude and refined illuminating and fuel oil, and all the devices and apparatus employed in utilizing the same, provided, however, that such rules and regulations shall not be effective until approved by the Lieutenant-Governor in Council.

Municipal  
by-law to  
take pre-  
cedence.

Rev. Stat.,  
c. 266.

(2) Where a municipality has passed a by-law under the authority of paragraphs 17 to 25 of section 405 of *The Municipal Act* regulating the keeping and manufacturing of explosives, the requirements of such by-law, if more exacting than those approved by the Lieutenant-Governor in Council under this section, shall govern and apply to properties within the boundaries of such municipality. 1931, c. 62, s. 5.

Certificate  
of appoint-  
ment.

**24.** A certificate under the hand and seal of the Fire Marshal of the appointment of any person, made under the provisions of this Act, shall be received as *prima facie* evidence of such appointment. 1937, c. 25, s. 9.

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## CHAPTER 330.

## The Fire Accidents Act.

**1.** Where, by any statute or municipal by-law, or by any regulation made under a statute or by-law, the owner, proprietor, lessee, occupant, manager, or other person owning, occupying or having the control or management of a building is required to provide fire escapes, means of exit, stairways, or other structures or any appliance for the safety of inmates or of the public in case of fire, and it is shown in any action brought against such person to recover damages for death occasioned by fire in such building, that such requirements or any of them had not been complied with at the time of the fire, it shall be presumed that the non-compliance was the cause of the death. R.S.O. 1927, c. 296, s. 1.

Onus of proof of compliance with requirements as to fire escapes, etc.

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## CHAPTER 331.

## The Lightning Rod Act.

Interpre-  
tation.

**1.** In this Act,—

“Regula-  
tions.”

- (a) “Regulations” shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act;

“Fire  
Marshal.”

- (b) In the absence of the Fire Marshal, or in case of a vacancy in the office, during such absence or vacancy the term “Fire Marshal” shall also include the Deputy Fire Marshal. R.S.O. 1927, c. 297, s. 1.

Manufac-  
turers and  
others  
selling  
lightning  
rods shall  
be licensed.

- 2.** No person or corporation shall sell or offer for sale material or apparatus intended to be used for the protection of buildings from damage by lightning, or instal upon any building or structure any apparatus intended to, or purporting to be used, for the protection of buildings from damage by lightning until authorized to do so by a license obtained from the provincial Fire Marshal under the provisions of this Act or of the regulations. R.S.O. 1927, c. 297, s. 2.

Conditions  
for issue  
of license.

- 3.** Subject to the regulations, a license shall not be issued until the Fire Marshal has approved,—

Approval of  
material.

- (a) of the material or apparatus intended to be used for the protection of buildings and their contents from damage by lightning;

Approval of  
system of  
installa-  
tion.

- (b) of the manner and system of installing such material or apparatus;

Guarantee  
agreement  
to be filed.

- (c) of a guarantee agreement, to be filed with him, providing that in the event of damage by lightning to property, rodded by said person or corporation or his agent, money for the rodding of said building, including material and labour, shall be returned to the owner thereof, or the damage to said building repaired, provided, however, that claim is made within thirty days of sustaining such damage;

Fiducial  
standing of  
applicant.

and the Fire Marshal is satisfied that the applicant, after complying with the necessary requirements, is safe and reliable as to assets and business standing, and is entitled to public confidence. R.S.O. 1927, c. 297, s. 3.

**4.**—(1) Such person or corporation, referred to in section 2, shall file a bond with the Fire Marshal in the penal sum of \$5,000 with surety or sureties satisfactory to the Fire Marshal, for the purpose of securing the payment of any final judgment that may be recovered against such person or corporation in any court of competent jurisdiction in this Province, together with a written stipulation that legal process affecting such person or corporation or his agent served upon the Fire Marshal, shall have the same effect as if personally served upon such person or corporation or his agent within the Province.

Filing of  
bond to  
fulfil  
guarantee.

(2) Where judgment is recovered against any person or corporation upon a guarantee agreement issued under this Act, and such judgment remains unsatisfied for sixty days after the recovery thereof, the Fire Marshal may bring action upon the bond for the payment of such judgment and the costs payable thereunder, and may pay and satisfy the amount of the judgment out of any sum recovered upon such bond.

Recovery of  
judgment.

(3) Service of any legal process upon any such person or corporation shall be good and valid when made in the manner described in subsection 1. R.S.O. 1927, c. 297, s. 4.

Service of  
legal  
process.

**5.**—(1) After complying with the necessary requirements as herein provided, and upon the receipt of a fee of \$50, payable to the Treasurer of Ontario, and a tax of eighty cents on every \$100 received from the sale of lightning rods and equipment in respect of business transacted in Ontario during the preceding year as shown by a sworn statement made by such person or corporation, the Fire Marshal may issue a license to such applicant, to continue in force until the 31st day of December next after the date of the issuing of same.

Payment of  
fee and tax.

(2) The license may be revoked at any time by the Fire Marshal for non-compliance with the provisions of this Act or the regulations, after a hearing. R.S.O. 1927, c. 297, s. 5.

Revocation  
of license.

**6.**—(1) Upon written notice from the licensee under this Act, of the appointment of a suitable person to act as his agent in this Province, and upon the presentation of a certificate of his good reputation and character signed by the mayor or reeve of the municipality of which he is a resident, the Fire Marshal may, if he is satisfied that the appointee is a suitable person, issue to him a license as such agent upon the receipt of a fee of \$3, payable to the Treasurer of Ontario.

Licensing  
agents.

Fee.

(2) An agent holding such license is permitted thereby to sell and instal only the classes or brands of rods and equipment sold by the holder of the original license.

Restrictions as to  
sale by  
agents.

License only  
for current  
year.

(3) Such license shall continue in force for the current year, but may be revoked at any time by the Fire Marshal for good cause, after a hearing.

Agents to  
be residents  
of Ontario.

(4) Such agents shall be residents of the Province of Ontario. R.S.O. 1927, c. 297, s. 6.

License  
shall be  
exhibited  
upon  
request.

7. Every licensee or agent shall, upon demand, exhibit his license to any mayor, reeve, fire prevention officer, district fire marshal, fire chief or police officer, and to any person to whom he sells, offers to sell or instal lightning rods or equipment and shall furnish a copy of this Act and the regulations regarding the standardization and installation of lightning rods to every person to whom he sells such lightning rods and equipment, and upon completion of the work he shall give the owner of the building a certificate in writing, duly signed, that the installation has been made in full conformity with the requirements of this Act and the regulations, and if he neglects or refuses to do so, he shall be liable to the penalty provided by this Act for acting as such agent without a license. R.S.O. 1927, c. 297, s. 7.

Copy of  
Act and  
regulations  
to be  
furnished.

Issue of  
certificate  
of installa-  
tion.

Penalty.

Penalty for  
selling  
without  
license.

8. Any person not licensed as provided by this Act, selling, offering for sale, or installing such lightning rods or other material, shall be liable to a fine of not over \$200, or six months' imprisonment for each offence, or both; and such penalty shall be recoverable before a magistrate or two justices of the peace under *The Summary Convictions Act*. R.S.O. 1927, c. 297, s. 8.

Rev. Stat.,  
c. 136.

License not  
transfer-  
able.

9.—(1) The licenses provided for by this Act are valid for only one person, firm or corporation, and are not transferable.

Employ-  
ment of  
help.

(2) A manufacturer or agent licensed under this Act may employ competent help to instal lightning rods, but the responsibility for the proper installation of the lightning rods rests with the manufacturer or original licensee. R.S.O. 1927, c. 297, s. 9.

Holder of  
guarantee  
agreement  
may bring  
suit.

10. Where the holder of any guarantee agreement issued under the provisions of this Act deems that he has suffered loss by lightning as a result of installation in contravention of this Act or the regulations, he may bring an action for the recovery of the amount of such loss, as provided for in clause c of section 3, against the person or corporation issuing the agreement, but every such action shall be commenced within a period of thirty days after the occurrence of the loss. R.S.O. 1927, c. 297, s. 10.



**11.** The license fees and taxes paid to the Treasurer of Ontario, as provided in this Act, shall be added to the special fund for the maintenance of the office of Fire Marshal and the expense incidental thereto. R.S.O. 1927, c. 297, s. 11.

Fees and taxes to be added to Fire Marshal fund.

**12.** The Lieutenant-Governor in Council may make regulations,—

Power to make regulations.

- (a) establishing standards and prescribing the kind of materials or apparatus to be used for the protection of buildings and their contents from damage by lightning;
- (b) respecting the manner and system of installing such material or apparatus;
- (c) generally for the enforcement and better carrying out of the provisions of this Act. R.S.O. 1927, s. 297, s. 12.

**13.** Nothing in this Act shall apply to or affect the installation of lightning rods on any building by the owner or occupant of the building where he himself does the work or the work is performed by his employees under his direction. 1931, c. 63, s. 2.

When Act not to apply.

## CHAPTER 332.

## The Gasoline Handling Act.

Interpre-  
tation.

**1.** In this Act,—

“Gasoline.”

(a) “Gasoline” shall include any liquid derived from petroleum, coal or natural gas whether or not it is mixed, combined or compounded with any other substance or material, as well as benzol and other liquids by whatever name known or sold, produced, prepared or compounded for the purpose of generating power by means of internal combustion or which may be used for such purpose, except the product commonly known as kerosene or coal oil when such product is not mixed or combined with gasoline, benzol or any other liquid described by this clause;

“Minister.”

(b) “Minister” shall mean Minister of Highways;

“Person.”

(c) “Person” shall include firm, partnership, corporation, club, association and syndicate;

“Regula-  
tions.”

(d) “Regulations” shall mean regulations made under the authority of this Act. 1936, c. 24, s. 2.

License to  
sell gaso-  
line.

**2.**—(1) No person shall offer for sale, or sell gasoline, kerosene or distillate in Ontario unless licensed so to do by the Minister under this Act.

License to  
transport  
gasoline.

(2) No person, other than a railway company, shall transport gasoline, kerosene or distillate in Ontario unless licensed so to do by the Minister under this Act.

Exemption.

(3) Where it appears to the satisfaction of the Minister that any vendor of kerosene or distillate is only retailing such products for domestic purposes other than the generating of power by means of internal combustion, and the amount of such products retailed by him during the calendar year is not in excess of one thousand gallons, the Minister may exempt such vendor from the provisions of this section.

Penalty.

(4) Every person who violates any of the provisions of this section shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$25 and not exceeding \$100, or to a term of imprisonment of not less than ten days and not exceeding one month, or to both, and for a second or

subsequent offence, to a penalty of not less than \$100 and not exceeding \$500, or to a term of imprisonment of not less than one month and not exceeding six months, or to both. 1936, c. 24, s. 3.

**3.—(1)** No person shall mix, combine or compound any constituent of gasoline with any other substance or material whether a constituent of gasoline or not, for the purpose of offering such mixture, combination or compound for sale unless licensed so to do by the Minister. License to mix gasoline.

**(2)** Every person who violates the provisions of subsection Penalty.  
1 shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$100 and not exceeding \$500, or to a term of imprisonment of not less than one month and not exceeding three months, or to both, and for a second or subsequent offence to a penalty of not less than \$500 and not exceeding \$1,000, or to a term of imprisonment of not less than three months and not exceeding six months, or to both. 1936, c. 24, s. 4.

**4.** The Minister may refuse to grant a license to any person and may revoke or suspend any license issued under this Act. Refusal to grant, revocation or suspension of license.  
1936, c. 24, s. 5.

**5.** Every person who, in Ontario, during any calendar month has manufactured gasoline, or has combined or compounded any constituent of gasoline with any other substance or material whether a constituent of gasoline or not, for the purpose of offering such mixture, combination or compound for sale, or has imported gasoline into Ontario, or usually manufactures or imports gasoline, shall within ten days immediately following the end of such calendar month, furnish to the Minister a return in such form as may be prescribed by the regulations. Returns as to sale, etc., of gasoline.  
1936, c. 24, s. 6.

**6.** When gasoline is shipped from a place out of Ontario to a place within Ontario, by means of a carrier, the person receiving such gasoline in Ontario shall obtain and retain the bill of lading issued for such shipment and show it to any officer of the Department of Highways having general charge of the carrying out of this Act and the regulations, on his request, provided, however, that the inspection shall be made within two years from the receiving of the gasoline, and when such shipment is made by land or water by means of a conveyance belonging to or controlled by the shipper or by the consignee, the person receiving such gasoline in Ontario shall state in his return to the Minister the means of conveyance, the Returns of persons receiving importations of gasoline.

points of shipment and destination, and if the shipment is made by water, the name of the vessel in which it is made. 1936, c. 24, s. 7.

Returns  
of trans-  
porter.

**7.** Every person who during any calendar month transports gasoline from a place out of Ontario into Ontario, shall within ten days immediately following the end of such calendar month furnish to the Minister a return in such form as may be prescribed by the regulations showing the quantity of gasoline so transported and the name of the person to whom it is delivered in Ontario. 1936, c. 24, s. 8.

Exception  
as to ship-  
ments  
through  
Ontario.

**8.** No provision of this Act shall be interpreted as forbidding the continuous transportation of gasoline with or without trans-shipment, through Ontario from a place out of Ontario to any other place also out of Ontario, provided that the transportation of any gasoline without a bill of lading evidencing shipment from a place out of Ontario to any other place also out of Ontario, shall create a *prima facie* presumption that such gasoline is intended for delivery within Ontario. 1936, c. 24, s. 9.

Install-  
ation of  
mechanical  
appliances.

**9.—(1)** The Minister may require any manufacturer, importer, jobber or vendor of gasoline to instal, at his own expense, automatic meters or other apparatus approved by the Minister.

Approval of  
apparatus  
by Minister.

**(2)** The use of such meters or other apparatus shall be subject to the control of the Minister who may also at any time require the use of such other apparatus or devices as he may deem advisable. 1936, c. 24, s. 10.

Inspection.

**10.** Every officer of the Department of Highways having general charge of the carrying out of this Act and the regulations, and every inspector and any other person specially authorized by the Minister, may,—

—**(a)** enter, at any reasonable hour, the premises of any manufacturer, importer, jobber or vendor of gasoline and examine all books and records, take measurements and otherwise obtain all information from such manufacturer, importer, jobber or vendor and the servants, agents and employees of such manufacturer, importer, jobber or vendor as he may deem necessary or desirable; and

**(b)** take from any premises or conveyance samples or specimens of any liquid which he has reason to believe is, or contains gasoline, distillate or kerosene. 1936, c. 24, s. 11.



**11.** In addition to any other remedies given by this Act in the case of any person selling gasoline without having a subsisting license under this Act, any person acting under the authority and instructions of the Minister may close the place or places of business of such person and prevent any sale of gasoline by him until he has complied with the provisions of this Act and the regulations. 1936, c. 24, s. 12.

Power to close premises for contravention of Act.

**12.** The Lieutenant-Governor in Council may make regulations,—

Regulations.

- (a) providing for the appointment of such inspectors, officers and other persons as may be necessary for the proper carrying out of the provisions of this Act and the regulations;
- (b) providing for the issuing of licenses authorized by this Act and for the production or posting thereof and prescribing the fees payable therefor;
- (c) prescribing the records and books relating to gasoline, kerosene and distillate to be kept by any person or class of persons whether or not such person or class of persons is licensed under this Act;
- (d) providing for the making of returns and statements by any person or class of persons whether or not such person or class of persons is licensed under this Act;
- (e) exempting any person or class of persons from the operation of or compliance with this Act or the regulations, or of any of the provisions thereof;
- (f) requiring that all gasoline stored or offered for sale in Ontario shall be graded according to such scale as the regulations may prescribe;
- (g) requiring importers, manufacturers, jobbers and vendors of gasoline to indicate the grade and price of gasoline offered for sale;
- (h) fixing the grade or quality of gasoline which may be offered for sale;
- (i) providing for the sealing of pumps, tanks, reservoirs and other containers of gasoline;
- (j) prescribing the construction, equipment and operation of conveyances and containers used for the transportation and storage of gasoline, kerosene and distillate;

- (k) providing for the holding of inquiries into the operation of this Act and into any charge or complaint that any person has violated or failed to observe any provision of this Act or the regulations, or has made any false statement in any return or statement required to be made by this Act or the regulations, or into any other matter arising in the administration of this Act, and providing that the person holding such inquiry shall have all the powers of a commissioner appointed under *The Public Inquiries Act* including the power to take evidence under oath;

Rev. Stat.,  
c. 19.

- (l) generally for the better carrying out of the provisions of this Act. 1936, c. 24, s. 13.

Penalty  
for making  
false  
return.

**13.** Every person who signs any return or statement required by this Act or the regulations, containing any false statement shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$100 and not exceeding \$1,000, or to a term of imprisonment of not less than one month and not exceeding six months, or to both, and for a second or subsequent offence, to a penalty of not less than \$500 and not exceeding \$5,000, or to a term of imprisonment of not less than six months and not exceeding three years, or to both. 1936, c. 24, s. 14.

Penalty for  
violation of  
Act or regu-  
lations.

**14.** Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided, shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$25 and not exceeding \$100, or to a term of imprisonment of not less than ten days and not exceeding one month, or to both, and for a second or subsequent offence to a penalty of not less than \$100 and not exceeding \$500, or to a term of imprisonment of not less than one month and not exceeding six months, or to both. 1936, c. 24, s. 15.

Informa-  
tion under  
Act to be  
secret.

**15.—(1)** No person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

Penalty.

**(2)** Every person who violates the provisions of this section shall be guilty of an offence and liable to a penalty not exceeding \$200. 1936, c. 24, s. 16.

**16.**—(1) Any information or complaint with respect to any violation of the provisions of this Act or the regulations may be laid or made within three years from the time when the matter of such information or complaint arose. Information or complaint within three years.

(2) The penalties imposed by this Act shall be recoverable under the provisions of *The Summary Convictions Act* and every such penalty shall be payable to the Minister. 1936, c. 24, s. 17. Recovery of penalties. Rev. Stat., c. 136.

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## CHAPTER 333.

## The Beach Protection Act.

Prohibition  
against  
taking sand,  
gravel or  
stone  
without  
a license.

**1.**—(1) No person shall take or carry away in any vessel or other conveyance or otherwise transport by land or water or remove by drag-line or other mechanical device any sand, gravel or stone from the bed, bank, beach, shore or waters of any lake, river or stream, or any land covered by or bordering upon the waters of any lake, river or stream or from any bar, or flat in any lake or adjoining any channel or entrance to any lake whether or not such bed, bank, beach, shore, land, bar or flat is owned by such person, unless such person is the holder of a license issued under the provisions of this Act.

License,—  
issue of,  
etc.

(2) The Lieutenant-Governor in Council, upon the recommendation of the Minister of Mines, may issue licenses in accordance with the provisions of the regulations to this Act and may revoke any license which has been issued.

Exception.

(3) Subsection 1 shall not apply to the removal of sand, gravel or stone by a municipality for municipal uses or by a *bona fide* resident of Ontario provided that such sand, gravel or stone is for his personal use and not for resale or for use for commercial or industrial purposes. 1937, c. 10, s. 2.

Prohibition  
against  
trespassing  
in search of  
sand, gravel  
or stone.

**2.** No person without the license required by this Act shall go upon any bed, beach, shore, water, bar or flat mentioned in section 1 for the purpose of removing or assisting to remove any gravel, sand or stone therefrom. R.S.O. 1927, c. 298, s. 2.

Having  
sand, etc.,  
unlawfully  
in posses-  
sion.

**3.** No person shall have on board his vessel or on a vessel in his possession or control any sand, gravel or stone, taken without the license required by this Act from any such bed, beach, shore, water, bar or flat. R.S.O. 1927, c. 298, s. 3; 1937, c. 10, s. 3.

Issue of  
search  
warrant.

**4.** If any person makes oath before a justice of the peace, that he has reason to believe, and does believe that sand, gravel or stone, in respect to which a violation of the provisions of section 1, 2 or 3 has been committed, is on board any vessel, or at any place, the justice of the peace shall issue a search warrant directed to any sheriff, police officer, constable or bailiff, who shall forthwith proceed to search the vessel or place and if any sand, gravel or stone is found thereon or



thereat, he shall seize the same and the vessel, if any, in which the same is contained, and shall keep them secure until final action as hereinafter provided is had thereon. R.S.O. 1927, c. 298, s. 4.

**5.** The owner, master or person in possession of the vessel, or person in possession of sand, gravel or stone taken in contravention of the provisions of this Act, shall without further information laid be summoned forthwith by the justice who issued the warrant to appear before a magistrate, and if such owner, master or person in possession fails to appear, or if it is shown to the satisfaction of the magistrate that a violation of section 3 has been committed, the magistrate may convict the owner, master or person in possession. 1937, c. 10, s. 4.

Prosecution.

**6.** In any prosecution the burden of proving the right to take any sand, gravel or stone shall be upon the person charged with a violation of the Act. 1937, c. 10, s. 5.

Burden of proof.

**7.**—(1) Any person contravening any of the preceding provisions of this Act shall on summary conviction incur a penalty of not less than \$10 or more than \$1,000 for each offence, but there shall be no prosecution under this Act without the authority of the Attorney-General for Ontario, in writing, signed by him. R.S.O. 1927, c. 298, s. 7 (1).

Penalty.

(2) In addition to all other remedies provided by *The Summary Convictions Act* for the recovery of any penalty, such penalty if not paid in accordance with the conviction may be levied by the sale of any vessel, conveyance, drag-line, or other mechanical device involved in the commission of the offence under the warrant of the convicting magistrate. 1937, c. 10, s. 6.

Sale of vessel, etc., for payment of penalty.

Rev. Stat., c. 136.

(3) Upon return being made of the sale after satisfying the penalty and the costs of the sale, the overplus, if any, shall be paid to the owner of the vessel. R.S.O. 1927, c. 298, s. 7 (3).

Payment of balance to owner.

#### BEDS OF RIVERS AND STREAMS.

**8.**—(1) No person shall remove any stone, gravel, earth or sand from the bed of any river, stream or creek running between two municipalities without the consent of the councils of such municipalities and in no case shall any gravel, earth or sand be removed from the bed of any river, stream or creek so as to injure or endanger the safety of any bridge, drainage pipe or watermain erected or laid by a municipal corporation.

Removal of stone, etc., from beds of certain streams prohibited.

Penalty.

(2) Any person who contravenes this section shall, for each offence on summary conviction incur a penalty of not less than \$10, or more than \$25. R.S.O. 1927, c. 298, s. 8 (1, 2).

Proclamation prohibiting removal of sand, gravel, etc.

Rev. Stat., c. 334.

**9.**—(1) Notwithstanding anything contained in this Act, *The Beaches and River Beds Act* or any other Act, or in any regulation or order made under any of the said Acts, the Lieutenant-Governor in Council, upon the recommendation of the Minister of Mines, may direct the issue of a proclamation prohibiting the taking, removal and carrying away by cart or truck, or by any boat or vessel or other water craft, or by any other vehicle or craft, of any sand, gravel, stone or earth from any bed, beach, shore or waters of, or adjacent to any part of the shores of Lake Erie, Lake Ontario or Lake Huron, or from any land covered by the waters of any of the said lakes adjacent to the said shore, or from any sandbar or flat therein or adjoining any channel or entrance thereto as described in the Order-in-Council, and such prohibition shall extend to the owner, tenant or occupant of any such bed, beach, shore, sandbar or flat and to any person claiming under the authority of any municipal corporation, or of any order of the Ontario Municipal Board and to every other individual and corporation.

Penalty.

(2) Every person who contravenes the prohibition contained in any such proclamation shall incur a penalty of not less than \$10 nor more than \$100 for each offence to be recoverable under *The Summary Convictions Act*. 1929, c. 77, s. 2.

Rev. Stat., c. 136.

#### REMOVING SAND FROM ROADS.

Removal of stone, etc., from street or road prohibited.

**10.**—(1) No person shall remove any stone, gravel, earth or sand from any street or road or from the extension of any street or road into any river or lake without the consent of the council of the municipality in which it is situate.

Penalty.

(2) Any person contravening this section shall on summary conviction be liable to a penalty not exceeding \$10 for every load removed. R.S.O. 1927, c. 298, s. 9.

#### PROCEDURE ON PROSECUTIONS.

Provisions of Rev. Stat., c. 136, to apply.

**11.**—(1) Penalties imposed by this Act may be recovered under the provisions of *The Summary Convictions Act* and save as otherwise provided by this Act the provisions of such Act shall apply to all proceedings taken under this Act.

Service of proceedings.

Rev. Stat., c. 136.

(2) In addition to the method of service prescribed by *The Summary Convictions Act* any summons or other proceeding may, where it is directed to a person on board any vessel, be served by leaving it, or a copy thereof, with the person who is,

or appears to be, in charge or command of such vessel. 1937, c. 10, s. 8.

**12.** In any information or complaint, laid under sections 1 to 3, it shall be sufficient to allege that the act charged was done without consent, and if at the hearing it appears that the act charged was committed by the person charged in the information or complaint, the burden of proving consent or consents by this Act required, shall be upon him. R.S.O. 1927, c. 298, s. 11. Burden of proof of consent.

**13.** The name of the owner in the information may be changed to that of any other owner to accord with the evidence, and no question which may arise as to the title to the land shall affect the authority of the magistrate or justices to determine whether the consent of the owner has been obtained. R.S.O. 1927, c. 298, s. 12. Variance between information and evidence as to ownership.

**14.** The Lieutenant-Governor in Council may make such regulations as to the terms and conditions upon which licenses may be granted under this Act and as to the fees payable therefor as he may deem expedient for the more effectual carrying out of the provisions of this Act. R.S.O. 1927, c. 298, s. 13. Regulations as to licenses.

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## CHAPTER 334.

## The Beaches and River Beds Act.

Application  
to Ontario  
Municipal  
Board by  
township  
council.

**1.** Where a petition signed by thirty or more resident rate-payers in a township is presented to the municipal council of the township praying that an application may be made to the Ontario Municipal Board for an order permitting the rate-payers in such township or in an adjoining municipality to take sand or gravel for use in such township or adjoining municipality for building and other purposes, from the shore or bed of any lake, river, stream, creek or other waters in the municipality within the area described in the petition, the council may apply for such order as hereinafter mentioned. R.S.O. 1927, c. 299, s. 1.

Map or plan  
to accom-  
pany  
application.

**2.** The application shall be accompanied by a map or plan prepared by an Ontario land surveyor showing the area from which it is proposed that the sand or gravel should be taken and the map or plan shall show,—

- (a) the location of any buildings, docks, landing places, boat-houses, bathing houses or other structures in such area and upon any lot immediately adjoining the same;
- (b) all existing roads or other means of access to such area;
- (c) the location of any roads which may be required to afford means of access to such area; and
- (d) such other particulars as the Ontario Municipal Board may by general regulation require. R.S.O. 1927, c. 299, s. 2.

Notice of  
application.

**3.** The application shall not be considered by the Board until notice thereof and of the time and place at which the same will be heard has been published once a week in some newspaper published in the county town of the county in which the described area is situate, or, if there is no newspaper so published, then in a newspaper published in the nearest city or town in the same county, and has been sent by registered post to any owner or occupant whose property is affected and to such other persons as the chairman of the Board may direct at least thirty days before the hearing of the application. R.S.O. 1927, c. 299, s. 3.



**4.** The Board shall at the time and place appointed hear <sup>Hearing.</sup> the council, and the petitioners or their counsel, and any owner or occupant of land which may be taken or used or affected in any manner by the granting of leave to take such sand. R.S.O. 1927, c. 299, s. 4.

**5.** The order shall not authorize the removal of sand or gravel if it appears that such removal may,— <sup>When removal of sand or gravel not to be allowed</sup>

(a) cause the subsidence of or injury to or in any way interfere with any artificial work or structure having for its object the protection or formation of such beach, or the beautifying or protection of any adjoining land; or

(b) endanger in any manner the safety of the public or of any person using or passing over adjoining land; or

(c) injure, impair the beauty or purpose of, or in any manner affect land used as an orchard, garden or pleasure ground, or as a summer residence or health resort; or

(d) injure or affect the safety of any highway or bridge; or

(e) injure or interfere in any manner with, or with the right of access to, any wharf, dock, landing stage, boat-house, bathing house, or any other structure erected for the convenience or pleasure of the public, or of the owners of adjoining land;

or if it appears that the beach, shore or bank from or opposite to which the sand or gravel is to be taken is used generally by the public or by the owners or occupants of adjoining land as a promenade, pleasure ground or play ground, or is resorted to largely for bathing and boating, and that the taking of such sand or gravel will interfere with the use of any land or land covered with water for such purposes or that there is not a sufficient demand for such sand or gravel to render the granting of leave to take the same desirable. R.S.O. 1927, c. 299, s. 5.

**6.** If the Board thinks fit to grant the application in whole or in part it may make an order specifying,— <sup>Order granting application.</sup>

(a) the places from which sand or gravel may be taken within the described area or any part thereof;

(b) the means of access to be afforded for that purpose;

- (c) the compensation to be paid to the owner or occupant of any land to be passed over or from which such sand or gravel may be taken or which may be affected in any other manner by the granting of the application;
- (d) the times when and the quantities in which sand or gravel may be taken;
- (e) the tolls and charges to be paid for the taking of the sand or gravel;
- (f) the period during which the order is to remain in force. R.S.O. 1927, c. 299, s. 6.

Township  
by-law  
adopting  
order.

**7.** The council of the township may, by by-law, adopt the order and consent to be bound by its terms. R.S.O. 1927, c. 299, s. 7.

Filing and  
register-  
ing order.

**8.** The order of the Board shall be in triplicate and shall be filed in the offices of the Board and of the clerk of the municipality, and, with the by-law, shall be registered in the registry office of the registry division in which the described area is situate. R.S.O. 1927, c. 299, s. 8.

Finality  
of order.

**9.** The order of the Board shall be final and shall not be subject to appeal, but at the expiration of the period named therein it may be renewed or a new order may be made upon the like application and subject to such terms and conditions as to compensation and tolls as the Board may deem just. R.S.O. 1927, c. 299, s. 9.

Renewal.

Annual rate  
to pay com-  
pensation.

**10.—**(1) The council of the township shall annually raise by general rate any amount ordered by the Board to be paid to any person whose land is passed over or from which sand or gravel is taken or which is affected thereby.

Tolls.

(2) The tolls and charges ordered by the Board to be paid shall be collected by the corporation of the municipality and may be applied in reduction of such rate. R.S.O. 1927, c. 299, s. 10.

Crown  
property not  
affected.

**11.** No order made under this Act shall apply to or affect the property of the Crown until assented to by the Lieutenant-Governor in Council. R.S.O. 1927, c. 299, s. 11.

Exemption  
of any  
locality by  
Order-in-  
Council.

**12.** This Act shall not apply to any municipality or portion of a municipality declared by the Lieutenant-Governor in Council to be exempted therefrom. R.S.O. 1927, c. 299, s. 12.

CHAPTER 335.

The Dog Tax and Live Stock Protection Act.

INTERPRETATION.

1. In this Act,—
- |  |                                |
|--|--------------------------------|
| (a) “Dog” shall mean any dog, male or female;  | Interpreta-<br>tion.<br>“Dog.” |
| (b) “Live stock” shall mean and include any head of cattle or sheep, and the young of either of them;                        | “Live stock.”                  |
| (c) “Minister” shall mean Minister of Agriculture;   | “Minister.”                    |
| (d) “Owner” of a dog shall include any person who possesses or harbours a dog. R.S.O. 1927, c. 300, s. 1; 1936, c. 18, s. 4. | “Owner.”                       |

PART I.

DOG TAX, ETC.

- 2.—(1) Subject to the provisions of section 5, an annual dog tax shall be levied in every local municipality upon every person who is assessed as owner or tenant of any land and who is in occupation thereof, in respect of every dog which he owns within the municipality or which is habitually kept upon the premises for which he is assessed although such dog may be owned by some other person.
- |   |                     |
|---|---------------------|
| (2) The amount of the tax payable where no by-law increasing the tax has been passed by the municipality shall be,— | Levy of<br>dog tax. |
| for a male dog, if only one is kept. ....   | \$2.00              |
| for each additional male dog. ....  | 4.00                |
| for a female dog, if only one is kept. ....   | 4.00                |
| for each additional female dog. ....  | 6.00                |
- (3) Where a certificate in writing by a veterinary surgeon is produced showing that a bitch has been spayed, she shall be taxed at the same rate as a male dog.
- |   |  |
|---|--|
| (4) Any municipality may pass a by-law increasing the tax to be paid. . . . . | Amount<br>of tax.<br>Spayed<br>bitch.<br>Increase<br>of tax. |
|---|--|

Tax on  
kennel of  
pure bred  
dogs.

(5) The owner of a kennel of pure bred dogs registered in the register of The Canadian Kennel Club, Incorporated, shall pay an annual tax of \$10 to the treasurer of the municipality as a tax upon the kennel and he shall not be liable to pay any further tax in respect of such pure bred dogs. R.S.O. 1927, c. 300, s 2.

#### COLLECTION OF DOG TAX.

Entry on  
assessment  
roll of  
number of  
dogs.

**3.—**(1) The assessor shall enter upon the assessment roll opposite the name of every person assessed the number of dogs, bitches and spayed bitches respectively for which he is liable to be taxed.

Statement  
by owner  
of dogs.

(2) Any person when so required by the assessor shall forthwith deliver to him a statement in writing of the number of dogs owned by him or which are habitually kept upon the premises for which he is assessed by whomsoever owned.

Penalty.

(3) Any assessor who fails to make all due inquiry and to assess all dogs reported to him and any person who neglects or refuses to furnish the statement required by subsection 2 or who makes a false statement shall be liable to a penalty not exceeding \$10.

Collection  
of tax.

(4) The amount payable for dog tax shall be entered upon the collector's roll and the collector shall proceed to collect the same in the same manner as other municipal taxes.

Killing of  
dog on  
failure to  
pay tax.

(5) When the tax is demanded and is not paid, the person assessed may be summoned before a magistrate who may direct the dog to be destroyed unless the tax and costs shall be paid before a time named.

Powers of  
constable.

(6) For the purpose of carrying out such order, a constable may enter upon the premises of the owner and destroy the dog.

Penalty on  
collector.

(7) A collector who neglects to collect the tax or take the proceedings provided by this section before the time fixed for the return of his roll to the treasurer shall incur a penalty not exceeding \$10. R.S.O. 1927, c. 300, s. 3.

#### DOG TAGS.

Owner  
required to  
secure dog  
tag.

**4.—**(1) In a municipality in which the dog tax is levied every person in each year on or before the 15th day of February or on or before such earlier or later date as may be fixed



by by-law of the council shall procure from the clerk or the assessor a tag for each dog owned by him and shall keep the tag securely fixed on the dog at all times during the year and until he procures a tag for the following year excepting that the tag may be removed while the dog is being lawfully used for hunting deer in the bush.

(2) A fee not exceeding twenty-five cents may be charged Fee for tag. for each tag.

(3) The tag shall bear a serial number and the year in Serial number on tag. which it was issued and a record shall be kept by the clerk or other officer designated for that purpose showing the name and address of the owner and the serial number of the tag.

(4) Every owner of a dog who neglects to obtain a tag and Penalty. keep it securely fixed on his dog or who uses a tag upon a dog other than that for which it was issued shall be liable to a penalty not exceeding \$10.

(5) Every dog which is found off the premises upon which Killing dog found without tag. it is habitually kept without a tag and not under the control of any person may be killed.

(NOTE.—*As to dogs at large pursuing deer in the close season, see Game and Fisheries Act. Rev. Stat. c. 353, s. 35.*)

(6) Where an owner of a dog applies to the clerk for a tag Duties of clerk where owner of dog has not been assessed. after the assessment roll has been returned and before the collector's roll has been delivered to the collector and the clerk finds that such owner has not been assessed for the dog the owner shall forthwith make and deliver to the clerk the statement mentioned in subsection 2 of section 3 and the clerk shall make the necessary entries in the assessment and collector's roll, but where the owner acquired ownership of the dog after the expiration of six months of the year he shall only be charged on the collector's roll with one-half of the dog tax. R.S.O. 1927, c. 300, s. 4.

**5.**—(1) By-laws may be passed by the councils of local Licensing and registration of dogs. municipalities for licensing and requiring the registration of dogs and for imposing a license fee on the owners of them with the right to impose a larger fee in the case of bitches or for each additional dog or bitch where more than one is owned by any one person or in any one household. R.S.O. 1927, c. 300, s. 5, *part*; 1929, c. 78, s. 2; 1937, c. 21, s. 2.

(2) Where the license fee is equal to or exceeds the dog tax Non-application of sections 2 and 3. required to be levied by this Act, sections 2 and 3 shall not apply while the by-law remains in force. R.S.O. 1927, c. 300, s. 5, cl. (a).

Application  
of subss.  
1-5 of  
Section 4.

(3) On payment of the license fee the owner shall be furnished with a dog tag and the provisions of subsections 1 and 4 as to keeping the tag securely fixed on the dog, and subsections 2, 3 and 5 of section 4 shall apply. R.S.O. 1927, c. 300, s. 5, cl. (b) ; 1935, c. 66, s. 7 (1).

Prohibiting  
and regul-  
ating the  
running at  
large of  
dogs.

**6.**—(1) By-laws may be passed by the councils of towns, townships, villages and cities having a population of less than 100,000 and by boards of commissioners of police in cities having a population of not less than 100,000 for prohibiting or regulating the running at large of dogs; for seizing and impounding and for killing, whether before or after impounding dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as may be provided by the by-law.

When  
deemed  
running  
at large.

(2) For the purpose of this section, a dog shall be deemed to be running at large when found in a highway or other public place and not under the control of any person. R.S.O. 1927, c. 300, s. 6.

Penalties.

Rev. Stat.  
c. 136.

**7.** A by-law passed under the authority of this Act may impose penalties not exceeding \$50, exclusive of costs, upon every person who contravenes any such by-law and every such penalty shall be recoverable under *The Summary Convictions Act*. 1935, c. 66, s. 7 (2).

## PART II.

### THE PROTECTION OF LIVE STOCK.

Interpreta-  
tion.

"Injured"  
and  
"Injuring."

**8.** In this Part, "injured" and "injuring" shall apply to injuries caused by wounding, worrying, terrifying or pursuing. R.S.O. 1927, c. 300, s. 7.

When dogs  
may be  
killed.

**9.** Any person may kill any dog,—

- (a) which is found killing or injuring live stock; or
- (b) which in a township or village is found between sunset and sunrise straying from the premises where the dog is habitually kept; or
- (c) which is found straying at any time, and not under proper control, upon premises where live stock are habitually kept. R.S.O. 1927, c. 300, s. 8; 1936, c. 18, s. 3.

**10.**—(1) Whether the owner of any dog killing or injuring live stock is known or not the municipality in which the live stock were killed or injured shall be liable to the owner of the live stock for the amount of damage ascertained as hereinafter provided and shall pay over such amount to the owner within thirty days after such owner has filed with the clerk an affidavit that to the best of his knowledge and belief the live stock were killed or injured by a dog but not by a dog owned by him. R.S.O. 1927, c. 300, s. 9 (1); 1936, c. 18, ss. 3, 5.

Liability of municipality for damages to live stock.

(2) The council of a township in unorganized territory with the assent of the municipal electors secured at any annual municipal election may pass a by-law providing that the municipality shall not be liable to the owner of the live stock for the amount of the damage, unless such owner furnishes proof to the satisfaction of the council that the live stock were killed or injured by dogs and not by wild animals. 1929, c. 78, s. 3; 1936, c. 18, s. 3.

Unorganized territory,—when municipality not liable.

(3) The municipality shall not be liable under subsection 1 if at the time the live stock were killed or injured they were running at large upon the highway or unenclosed land, provided that the council of a township in unorganized territory may with the assent of the municipal electors pass a by-law declaring that this subsection shall not apply in determining its liability. R.S.O. 1927, c. 300, s. 9 (2); 1936, c. 18, s. 3.

When municipality not liable.

**11.**—(1) The council of every local municipality shall appoint one or more competent persons as live stock valuers.

Appointment of live stock valuers.

(2) Within forty-eight hours after it is discovered by the owner that his live stock has been killed or injured he shall notify a live stock valuer for the municipality in which the live stock is killed or injured or the clerk of such municipality who shall forthwith notify a live stock valuer, and the valuer so notified shall immediately make full investigation and shall make his report in writing within ten days thereafter to the clerk of the municipality giving in detail the extent and amount of the damage done and he shall at the same time forward a copy of such report to the owner of the live stock.

Duty of live stock valuers.

(3) The carcass of the live stock shall not be destroyed until it has been seen by the valuer for the municipality.

When carcass not to be destroyed.

(4) If the owner of the live stock, or the council, is dissatisfied with the report of the valuer for the municipality an appeal may be had to the Minister who may name a valuer to make a further investigation and the report of such valuer shall be final and conclusive as to the extent and amount of the damage done.

Appeal to Minister.

Time for  
appeal.

(5) Such appeal shall be made within thirty days after the making of the report by the valuer for the municipality and \$25 shall be deposited with the Minister at the time of the appeal to be forfeited if the report of the valuer for the municipality is sustained.

Naming  
of valuer  
where no  
live stock  
valuers  
appointed.

(6) If no live stock valuer has been appointed by the council or the clerk or valuer does not discharge the duty imposed upon him by this Act, the Minister on the application of the owner of the live stock may name a valuer to make investigation and the report made by such valuer shall be final and conclusive as to the extent and amount of damage done, and the municipality in addition to its liability to the owner of the live stock as provided by section 10, shall forthwith pay to the Minister the cost of such valuation as fixed by him.

Report of  
valuer  
appointed  
by  
Minister.

(7) The report of the valuer appointed by the Minister shall be made to the Minister and the Minister shall forward a copy of such report to the clerk of the municipality and to the owner of the live stock. 1936, c. 18, s. 6.

#### LIABILITY OF OWNER OF DOG.

Liability of  
owner of  
dog to  
municipality.

**12.**—(1) A municipality having paid to the owner of the live stock the amount of the damage ascertained as above provided shall be entitled to recover the amount so paid from the owner of the dog in any court of competent jurisdiction without proving that it was vicious or accustomed to worry live stock.

Proceedings for ascertaining owner of dog.

(2) In order to ascertain the owner of the dog which killed or injured the live stock the clerk on the instructions of the head of the municipality may issue a subpoena calling upon any persons to attend before the council and the member of the council presiding may administer an oath to such persons and any member of the council may examine such persons touching his knowledge of the matter. R.S.O. 1927, c. 300, s. 11 (1, 2); 1936, c. 18, s. 3.

Apportionment of damages.

(3) When it appears that the damage was caused by more dogs than one the court may apportion the damages as may be deemed just, having regard to the strength, ferocity and character of the dogs concerned. R.S.O. 1927, c. 300, s. 11 (3).

Duty of owner to kill dog.

(4) Where a dog is known to have killed or injured live stock the owner on being duly notified shall within forty-eight hours cause the dog to be killed. R.S.O. 1927, c. 300, s. 11 (4); 1936, c. 18, s. 3.

Neglect to kill dog.

(5) When the owner refuses or neglects to kill the dog he may be summoned before any magistrate who may order that



the dog be killed and in such case a constable may enter upon the premises of the owner and may kill the dog.

(6) The magistrate may direct the owner to pay the costs of <sup>Penalty.</sup> the proceedings and of the destruction of the dog and if he deems the neglect or refusal of the owner to have been unreasonable may impose on him a penalty not exceeding \$10. R.S.O. 1927, c. 300, s. 11 (5, 6).

**13.** The times and the method of procedure set out in this <sup>Times and</sup> Act shall be regarded as merely directory and a proceeding <sup>procedure</sup> which is in substantial conformity with this Act shall not be open to objection on the ground that it is not in strict compliance therewith. R.S.O. 1927, c. 300, s. 12.

#### PENALTIES.

**14.** All penalties recovered under this Act shall belong to <sup>Application</sup> the municipality. R.S.O. 1927, c. 300, s. 13. <sup>of penalties.</sup>

**15.** Where in territory without municipal organization live <sup>Liability</sup> stock have been killed or injured by a dog, the owner of the <sup>of owner in</sup> dog shall be liable to the owner of the live stock for the amount <sup>unorgan-</sup> of the damage sustained, and it shall not be necessary in any <sup>ized terri-</sup> action to recover such damages to prove that the dog was <sup>tory.</sup> vicious or accustomed to worry live stock. 1934, c. 13, s. 2.

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## CHAPTER 336.

## The Transportation of Fowl Act.

Interpreta-  
tion.

**1.** In this Act "fowl" shall mean live fowl and dressed or undressed poultry. 1929, c. 79, s. 2.

Non-appli-  
cation of  
Act.

**2.—(1)** Subject to subsection 2 this Act shall not apply to,—

(a) a *bona fide* producer or breeder of fowl;

(b) a *bona fide* purchaser for his own use or a donee of twelve fowl or less;

Rev. Stat.,  
c. 290.

(c) a person licensed under *The Commercial Vehicle Act*.

Onus of  
proof.

(2) In a prosecution for a contravention of this Act the onus shall be on the person charged to prove that he comes within the provisions of clause *a* or *b* of subsection 1. 1929, c. 79, s. 3.

Permit  
required for  
transporta-  
tion of fowl.

**3.—(1)** No person shall carry or transport fowl on any highway in Ontario unless he holds a permit for that purpose granted by the clerk of the county in which he resides or carries on business, and where he does not reside or carry on business in any county in Ontario unless he holds such a permit granted by the clerk of that county in Ontario nearest to his place of residence or business. 1929, c. 79, s. 4; 1932, c. 47, s. 2 (1).

In unor-  
ganized  
territory.

(2) In unorganized territory a permit required under this Act shall be granted by the clerk of the municipality in which the person requiring the same resides or carries on business or where he resides or carries on business in territory without municipal organization he may obtain the necessary permit from the clerk of the municipality nearest to his place of residence or business. 1932, c. 47, s. 2 (2).

Clerk to  
issue  
permits.

**4.—(1)** The clerk may grant such permits without the passing of any by-law for that purpose by the council and may revoke any permit granted and shall have the same discretion as to the granting or refusing to grant or the revoking of permits as the council has with reference to licenses under *The Municipal Act*.

Rev. Stat.,  
c. 266.

Fee.

(2) The fee for the permit shall be \$1 and shall belong to the county or municipality as the case may be. 1932, c. 47, s. 3.

**5.** The permit shall contain the name of the person to whom it is granted, the address of his residence or place of business, and set out that the holder is authorized to transport fowl on the highways in Ontario and shall remain in force for the calendar year in which it is issued. 1929, c. 79, s. 6.

Contents of permit.

**6.** The clerk of the council shall keep a record of all permits issued which shall be open to inspection by any constable or peace officer. 1929, c. 79, s. 7.

Record by clerk.

**7.** The holder of a permit shall carry with him at all times when he is transporting fowl his permit and a book in which he shall enter at the time he receives them the number and kind of fowl and the name and address of the person from whom he received them, and to whom he is to deliver them, and in case of a purchase the price paid and shall produce the permit and the book when required by a constable or peace officer. 1929, c. 79, s. 8.

Permit and book for entry as to fowl to be carried.

**8.** Any constable or peace officer may inspect the premises of the holder of a permit and any vehicle in his possession and no person shall obstruct or interfere with such constable or peace officer when making such inspection. 1929, c. 79, s. 9.

Inspection of premises of permit holder.

**9.** Any constable or peace officer may order any person on the highway to stop for the purpose of ascertaining by search if he thinks it necessary, whether such person is carrying or transporting fowl, and, if he is, of requiring him to produce his permit, and, if he has not a permit, to give his name and address and the name and address of the person from whom the fowl were obtained, and if such person fails to stop when ordered or refuses to give the information required or obstructs or interferes with such constable or peace officer in the performance of his duty under this section he shall be guilty of a contravention of this Act. 1929, c. 79, s. 10.

Right of constable to stop person on highway for purposes of Act.

**10.** Every person who contravenes any of the provisions of this Act shall be liable to a penalty not exceeding \$50 for the first offence, and not less than \$50 and not more than \$100 or to imprisonment for a period not exceeding six months or to both such penalty and imprisonment for the second or any subsequent offence. 1929, c. 79, s. 11.

Penalties.

**11.** The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*, except that an information may be laid within twelve months after the offence was committed. 1929, c. 79, s. 12.

Recovery of penalties. Rev. Stat., c. 136.

## CHAPTER 337.

## The Pounds Act.

Scope of  
Act save as  
varied by  
by-laws.  
Rev. Stat.,  
c. 266.

**1.** Except so far as varied by any by-law passed under the authority of paragraphs 48 to 51 of section 405 of *The Municipal Act*, this Act shall be in force in every city, town, township and village in Ontario. R.S.O. 1927, c. 301, s. 1.

Liability of  
owners and  
others for  
damage  
done.

**2.** The owner or occupant of any land shall be responsible for any damage caused by any animal under his charge and keeping, as though such animal were his own property, and the owner of any animal not permitted to run at large by the by-laws of the municipality shall be liable for any damage done by such animal, although the fence enclosing the premises of the complainant was not of the height required by such by-laws. R.S.O. 1927, c. 301, s. 2.

Case of  
provisional  
judicial  
districts.

**3.—(1)** Damages shall not be recoverable in respect of injuries committed upon any land in a provisional judicial district by horses, cattle, sheep or swine straying on such land unless the animal so straying was running at large contrary to a municipal by-law.

Unless  
animal  
broke  
through or  
jumped over  
fence.

**(2)** Where there is no such by-law in force in the municipality or where such trespass was committed upon land in any part of such district not included in an organized municipality, no such damages shall be recoverable unless the animal has broken through or jumped over a fence then being in reasonably good repair and of the height of four and one-half feet.

Exception  
as to  
breachy  
animals.

**(3)** This section shall not apply to breachy or unruly animals. R.S.O. 1927, c. 301, s. 3.

Bulls and  
swine not  
to run at  
large.

**4.** No bull over the age of ten months nor any swine shall be allowed to run at large in any part of such district not included in an organized municipality. R.S.O. 1927, c. 301, s. 4.

Owner of  
bull liable  
for  
damages.

**5.** The owner of any bull or swine running at large contrary to the provisions of section 4 shall be liable in damages for all injuries committed by such animal or animals, and also to a penalty not exceeding \$10, recoverable under the provisions of *The Summary Convictions Act*. R.S.O. 1927, c. 301, s. 5.

Rev. Stat.,  
c. 136.



6. If not previously replevied, the pound-keeper shall impound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, geese or other poultry, distrained for unlawfully running at large or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same; or if the owner of geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbour's premises after a notice in writing has been served upon him of their trespass, he shall incur a penalty not exceeding \$10. R.S.O. 1927, c. 301, s. 6.

What animals to be impounded.

Poultry.

7. Where any animal has been impounded, the pound-keeper shall, within twenty-four hours, deliver to the clerk of the municipality a notice in writing containing a description of the colour, age and natural and artificial marks of the animal as nearly as may be. R.S.O. 1927, c. 301, s. 7.

Notice to clerk as to animals impounded.

8. When the common pound of the municipality or place wherein a distress has been made is not secure, the pound-keeper may confine the animal in any enclosed place within the limits of the pound-keeper's division within which the distress was made. R.S.O. 1927, c. 301, s. 8.

When the common pound is not safe.

9.—(1) The person distraining and impounding the animal shall, at the time of the impounding, deposit poundage fees, if demanded, and within twenty-four hours thereafter deliver to the pound-keeper duplicate statements in writing of his demands against the owner for damages, if any, not exceeding \$20, done by such animal, exclusive of poundage fees, and shall also give his written agreement, with a surety if required by the pound-keeper, in the form following, or in words to the same effect:

Statement of demand to be delivered to pound-keeper by impounder.

"I (*or we, as the case may be*) do hereby agree that I (*or we*) will pay to the owner of the (*describing the animal*) by me (*A.B.*) this day impounded, all costs to which the said owner may be put in case the distress by me the said (*A.B.*) proves to be illegal, or in case the claim for damages now put in by me the said (*A.B.*) fails to be established."

Form of agreement with pound-keeper.

(2) The owner of an animal impounded shall at any time be entitled to it, on demand made therefor, without payment of any poundage fees, on giving satisfactory security to the pound-keeper for all costs, damages and poundage fees that may be established against him. R.S.O. 1927, c. 301, s. 9.

Release of animal on security being furnished.

10.—(1) If the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if the same is distrained by a resident of the municipality for straying within his premises, instead of delivering the animal to the pound-keeper,

When animal may be retained by distrainer.

he may retain the animal in his own possession, provided he makes no claim for damages done by the animal, and duly gives the notices hereinafter required.

Notice to owner if known.

(2) If the owner is known he shall forthwith give to him notice in writing of having distrained the animal.

If unknown, notice to clerk of municipality.

(3) If the owner is unknown, the person distraining shall, within forty-eight hours, deliver to the clerk of the municipality a notice in writing of having distrained the animal, containing a description of its colour, age and natural and artificial marks, as nearly as may be.

Duty of clerk thereon.

(4) The clerk on receiving the notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post it or a copy thereof, in some conspicuous place on or near the door of his office, and keep the same so posted for at least one week, unless the animal is sooner claimed by the owner.

If animals worth \$10 or over.

(5) If the animal or animals distrained at the same time is or are of the value of \$10 or more, the distrainor shall cause a copy of the notice to be published in a newspaper in the county or district once a week for three successive weeks. R.S.O. 1927, c. 301, s. 10.

Notice of sale.

**11.** If an animal is impounded, notices for the sale thereof shall be given by the pound-keeper or person who impounded it within forty-eight hours afterwards, but no pig or poultry shall be sold until after four clear days, nor any horse or other cattle till after eight clear days from the time of impounding the same. R.S.O. 1927, c. 301, s. 11.

When sale may be made.

If animal is not impounded, but retained.

**12.** If the animal is a pig, goat or sheep, and is not impounded, but is retained in the possession of the person distraining it, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is distrained. R.S.O. 1927, c. 301, s. 12.

Notice of sale unless redeemed.

**13.** The notices of sale shall be posted up for three clear successive days, in three public places in the municipality, and shall specify the time and place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law, if any, the amount of the injury, if any, claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees and charges of the pound-keeper and also of the fence-view

ers, if any, and the expenses of the animal's keeping. R.S.O. 1927, c. 301, s. 13.

**14.** Every pound-keeper, and every person who impounds or confines, or causes to be impounded or confined, any animal in any common pound or in any open or close pound, or in any enclosed place, shall daily furnish the animal with good and sufficient food, water and shelter, during the whole time that such animal continues impounded or confined. R.S.O. 1927, c. 301, s. 14.

Food to be furnished impounded animal.

**15.**—(1) Every such person who furnishes the animal with food, water and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises.

Recovery of expenses.

(2) Such value and allowance may be recovered, with costs, by summary proceeding before any justice of the peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any by-law of the municipality may by law be recovered and enforced by a single justice of the peace and the justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, so far as applicable, to the tariff of pound-keepers' fees and charges established by the by-laws of the municipality. R.S.O. 1927, c. 301, s. 15.

Procedure for recovery.

**16.** The pound-keeper, or person so entitled to proceed may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereinafter mentioned. R.S.O. 1927, c. 301, s. 16.

Other mode of enforcing.

**17.** If it is proved by an affidavit sworn before a justice of the peace, that the proper notices had been duly posted and published, then if the owner or some one for him does not before the sale of the animal, replevy or redeem the same, the pound-keeper who impounded the animal, or if the person who distrained it did not deliver it to a pound-keeper, but retained it in his own possession, any pound-keeper of the municipality may publicly sell the animal to the highest bidder, at the time and place mentioned in the notices, and after deducting the penalty and the damages, if any, and the fees and charges, shall apply the proceeds in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied, and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of the damage when legally claimable, not exceeding \$20, done by the animal to the prop-

Procedure for sale and disposal of proceeds.

erty of the person by whom or at whose instance it was distrained, and shall return the surplus, if any, to the original owner of the animal, or if not claimed by him within three months after the sale, the pound-keeper shall pay such surplus to the treasurer of the municipality. R.S.O. 1927, c. 301, s. 17.

Disputes  
regarding  
demand for  
damages,  
how deter-  
mined.

**18.**—(1) If the owner, within forty-eight hours after the delivery of the statements provided for in section 9, disputes the amount of damages so claimed, the amount shall be decided by the majority of three fence-viewers of the municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the pound-keeper.

Fence-  
viewers to  
view and  
appraise  
damage.

(2) The fence-viewers or any two of them shall, within twenty-four hours after notice of their appointment, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the statutes or by-laws in that behalf at the time of the trespass and if it was a lawful fence, or if the animal was one not permitted to run at large by the by-laws of the municipality, they shall appraise the damages committed, and, within twenty-four hours after having made the view, shall deliver to the pound-keeper a written statement signed by at least two of them of their appraisal and of their lawful fees and charges.

Where fence  
not lawful.

(3) If in the case of an animal permitted to run at large, the fence-viewers decide that the fence was not a lawful one, they shall certify the same in writing under their hands, together with a statement of their lawful fees to the pound-keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the sale thereof, but if not claimed, or if such fees and charges are not paid, the pound-keeper, after due notice, as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices. R.S.O. 1927, c. 301, s. 18.

Penalty for  
pound-  
keeper  
refusing to  
feed animal  
impounded.

**19.** If a pound-keeper or person who impounds or confines, or causes to be impounded or confined any animal, refuses or neglects to provide and supply the animal with good and sufficient food, water and shelter, he shall, for every day during which he is so in default, incur a penalty of not less than \$1 nor more than \$4. R.S.O. 1927, c. 301, s. 19.

Penalty for  
neglect of  
duty by  
fence-  
viewers.

**20.** Any fence-viewer neglecting his duty under this Act shall incur a penalty of \$2. R.S.O. 1927, c. 301, s. 20.



**21.** Every pound-keeper shall and every person who, under the provisions of section 10, distrains any animal shall, on or before the 15th day of January in every year, file with the clerk of the municipality a statement for the year ending on the 31st day of December next preceding showing,—

Statement  
to be filed  
with clerk  
by pound-  
keeper or  
distrainor.

- (a) the number of animals impounded or distrained, as the case may be;
- (b) the number of animals sold and the amounts received;
- (c) the sum received as poundage fees and cost of keep by the pound-keeper or party distraining;
- (d) the damages paid by any party;
- (e) all disbursements and to whom paid;
- (f) any other receipts and expenditures in connection therewith. R.S.O. 1927, c. 301, s. 21.

**22.** The statement shall be certified to by the pound-keeper or the person distraining as a true and accurate statement for the year ending on the 31st day of December next preceding. R.S.O. 1927, c. 301, s. 22.

Certifying  
statement.

**23.**—(1) Any pound-keeper or other person required to file such return, neglecting or refusing to file the same on or before the 15th day of January in any year, shall incur a penalty not exceeding \$10.

Penalty for  
neglect to  
comply with  
Act.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 301, s. 23.

Penalties,  
how re-  
coverable.  
Rev. Stat.,  
c. 136.

**24.** One-half of every penalty recovered under this Act shall be paid to the treasurer of the local municipality in which the offence was committed, and one-half to the private prosecutor, but where the information is laid by an officer of the municipality, the whole of the penalty shall be payable to the treasurer. R.S.O. 1927, c. 301, s. 24.

Penalties—  
how to be  
applied.

## CHAPTER 338.

## The Injured Animals Act.

Duty of constable or inspector where horse is found severely injured.

**1.** Where a constable, or the inspector of an incorporated humane society or society for the prevention of cruelty to animals, finds any horse so severely injured that it would, in his opinion, be cruel to allow the horse to live, he shall, if the owner refuses to consent to the destruction of the animal, or is absent, at once summon a veterinary surgeon, if any such surgeon resides or can be found within a reasonable distance, or, if no such surgeon can be obtained, then two reputable citizens, and if it appears by the certificate of such surgeon or by a statement signed by such two citizens that the animal is, or appears to be, incapable of being so cured or healed as to live thereafter without suffering, it shall be lawful for such constable or inspector, without the consent of the owner, to kill or cause to be killed such animal with such instrument or instruments or appliances, and with such precautions and in such a manner as to inflict as little pain and suffering as possible. R.S.O. 1927, c. 302, s. 1.

Imp. Act, 57-58 Vict., c. 22.

Where horse is abandoned.

**2.** If any horse is abandoned, or left to die in any street, road, commons or public place, it shall be the duty of any constable or inspector, as mentioned in section 1, to make a reasonable attempt to ascertain the owner of such animal, and, if such owner cannot be found, or, if found, refuses to give his consent to the killing of such horse, the said constable or inspector shall proceed in the manner set forth in section 1. R.S.O. 1927, c. 302, s. 2.

Animals injured by railway trains.

**3.** Where any large animal, such as a horse, cow, sheep or hog, is severely injured by any railway engine or train, the conductor of the train shall report the occurrence to the nearest station agent of the railway, who shall forthwith notify the owner if possible and the nearest constable, who shall proceed as provided by section 1. R.S.O. 1927, c. 302, s. 3.

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## CHAPTER 339.

## The Stallion Act.

**1.**—(1) The Lieutenant-Governor in Council upon the recommendation of the Minister of Agriculture may appoint four persons who, with the Director of the Live Stock Branch of the Department of Agriculture, shall constitute the Stallion Enrolment Board, hereinafter called “the Board.”

(2) The Director of the Live Stock Branch of the Department of Agriculture shall be the secretary and executive officer of the Board. R.S.O. 1927, c. 303, s. 1.

**2.** The Lieutenant-Governor in Council, on the recommendation of the Minister of Agriculture, may appoint competent persons to act under the direction of the Board and may fix such remuneration and allowance for necessary travelling expenses for members and inspectors of the Board as may be deemed desirable. R.S.O. 1927, c. 303, s. 2.

**3.**—(1) No person shall stand, travel or offer for use or sale any stallion unless the same is pure bred, and until such stallion has been enrolled and the certificate of enrolment issued as hereinafter provided.

(2) In order to secure enrolment for any stallion, the owner of such stallion shall submit,—

(a) evidence of breeding and ownership;

(b) the stallion for inspection at such times and places as may be fixed by the Board under the regulations of this Act.

(3) Upon the receipt of the report of inspection and the evidence of breeding and ownership and upon payment of the fee, the Board shall issue a certificate accordingly, except where, in the opinion of the Board, the report of the inspectors would indicate that such stallion was unsuitable for use in the stud, and all certificates of enrolment and inspection must be renewed annually in accordance with the regulations and upon payment of the prescribed fee. R.S.O. 1927, c. 303, s. 3.

**4.**—(1) Every stallion shall be enrolled in the name of the owner at the time of enrolment, and shall be entered in a register kept by the Board, and in case of change of owner—

ship the enrolment shall be deemed to be cancelled unless within thirty days thereafter evidence of the change of ownership satisfactory to the Board has been furnished to the Board, in which case a transfer certificate shall be issued by the Board.

Term of  
certificate  
and enrol-  
ment.

(2) When a certificate of enrolment has been issued after the 1st day of August in any year, the enrolment and certificate of enrolment and inspection of the stallion shall remain in force until the 31st day of December in the next succeeding year, and when the enrolment has been made before the 1st day of August in any year the enrolment and certificate thereof shall remain in force until the 31st day of December next following. R.S.O. 1927, c. 303, s. 4.

Service  
fees.

**5.** Service fees shall be collectible by stallion owners on such stallions as are enrolled at the time of service, but no service fees shall be collectible on stallions that are not enrolled at the time of service. R.S.O. 1927, c. 303, s. 5.

Inspection  
upon com-  
plaint to  
Board.

**6.** In case of dissatisfaction, the owner of any stallion may appeal to the Board from any inspection, and upon the owner depositing with the Board an amount sufficient, in the opinion of the Board, to cover the expenses of an additional inspection, the Board shall direct a further inspection, which shall be final. R.S.O. 1927, c. 303, s. 6.

Particulars  
to be stated  
in advertise-  
ment.

**7.—(1)** Any newspaper or other printed advertisement issued to advertise a stallion shall include in prominent type the grade of such stallion as fixed by the Board and the date of the expiration of the certificate.

In posters  
and breed-  
er's card.

(2) Every poster or breeder's card issued shall contain a copy of the certificate of enrolment printed in bold face and conspicuous type and shall not contain any illustrations, pedigree or other matter which is untruthful or misleading.

Certificate  
to be pro-  
duced on  
demand.

(3) Upon request, the owner of the stallion shall exhibit to the owner of each mare, at the time of service, the original enrolment certificate issued for such stallion.

Evidence  
of offering  
stallion for  
service.

(4) Any bill, poster or other printed matter advertising any stallion for public service shall be evidence that such printed matter was issued to advertise the stallion named, with the consent of the owner of the said stallion and such advertising shall be *prima facie* evidence that such stallion was being offered for public service. R.S.O. 1927, c. 303, s. 7.

Fees.

**8.—(1)** The fees to be paid to the Board before the issue of any certificate shall be:



For enrolment before 1st May of each year...	\$ 2.00
For enrolment after 1st May of each year.....	4.00
For inspection at regular times.....	free
For special inspection.....	10.00

(2) The fees received by the Board under this Act shall be paid over to the Treasurer of Ontario for the use of the Province. <sup>To be paid over to Treasurer.</sup> R.S.O. 1927, c. 303, s. 8.

9. The Board, subject to the approval of the Lieutenant-Governor in Council, may make such regulations as may be deemed proper and necessary for the better carrying out of the provisions of this Act. <sup>Regulations.</sup> R.S.O. 1927, c. 303, s. 9.

10. Every person who is guilty of a contravention of any of the provisions of this Act shall incur a penalty of not less than \$25, nor more than \$100, recoverable under *The Summary Convictions Act*. <sup>Penalty. Rev. Stat., c. 136.</sup> R.S.O. 1927, c. 303, s. 10.

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## CHAPTER 340.

## The Protection of Cattle Act.

Penalty for  
permitting  
bull to run  
at large.

**1.** The owner of any bull found off his owner's premises, not confined or led by an attendant, shall incur a penalty of \$25. R.S.O. 1927, c. 304, s. 1.

Damages  
recoverable  
where cow  
got in calf.

**2.** Where a cow is got in calf by a bull running at large, the owner of the cow shall be entitled to recover the full amount of actual damage or loss sustained by him, from the owner of the bull. R.S.O. 1927, c. 304, s. 2.

By-law  
preventing  
collection  
of service  
fees.

**3.** The council of a county may by by-law provide that no service fees shall be collectible in such county for the use of bulls which have not been registered. R.S.O. 1927, c. 304, s. 3.

"Better  
Bull  
Area."

**4.—(1)** The council of a county may require the assessors in the county or any other person appointed by the council for that purpose, to ascertain the number of bulls in the county together with such other particulars as may be necessary to determine the number of pure bred bulls eight months of age or over, and where it appears from such report that the number of such pure bred bulls is not less than eighty per centum of the total number of bulls in the county, the council may by by-law provide that such county shall be known as a "Better Bull Area." R.S.O. 1927, c. 304, s. 4 (1).

Keeping  
registered  
bulls for  
service.

**(2)** After the passing of such by-law and while the same remains in force,—

Use of bull  
which is not  
pure bred.

**(a)** no one in such county shall purchase or keep for public service or offer for use or sale except for slaughtering any bull which is not pure bred;

Evidence of  
offering for  
sale or  
service.

**(b)** any bill, poster or other printed matter advertising any bull for sale or public service shall be evidence that such printed matter was issued to advertise the bull mentioned, with the consent of the owner of the bull and such advertising shall be *prima facie* evidence that such bull was being offered for sale or public service;

Service  
fees not  
collectible.

**(c)** service fees shall not be collectible in such county for the service of any bull which is not registered;

- (d) every person who contravenes the provisions of clause <sup>Penalty.</sup>  
*a* or clause *c* shall incur a penalty of not less than  
\$10. R.S.O. 1927, c. 304, s. 4 (2); 1928, c. 50, s. 2.

**5.** The penalties imposed under this Act shall be recoverable <sup>Recovery</sup>  
under *The Summary Convictions Act*. R.S.O. 1927, c. 304, <sup>of penalties.</sup>  
s. 5. <sup>Rev. Stat.,</sup>  
<sup>c. 136.</sup>

**6.** This Act shall not apply to a provisional judicial district <sup>Act not to</sup>  
or to the provisional county of Haliburton, except that the <sup>apply in</sup>  
municipal council in an organized municipality in any such <sup>certain</sup>  
district may pass a by-law declaring such municipality a "Better <sup>cases.</sup>  
Bull Area," and after the passing of such by-law, the provisions  
of section 4 shall apply to such municipality. R.S.O. 1927,  
c. 304, s. 6; 1928, c. 50, s. 3.

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## CHAPTER 341.

## The Live Stock Branding Act.

Interpreta-  
tion.**1.** In this Act,—

“Brand.”

(a) “Brand” shall mean and include any letter, sign or numeral, or combination of the same, recorded as allotted;

“Live  
stock.”

(b) “Live stock” shall mean and include any horse, head of cattle, sheep and fowl;

“Minister.”

(c) “Minister” shall mean Minister of Agriculture for Ontario. R.S.O. 1927, c. 305, s. 1; 1936, c. 5, s. 2.

Branding  
of live  
stock.

**2.**—(1) No person shall brand any live stock except with a brand allotted by the Minister and to which he is entitled under this Act.

Recording  
brand.

(2) Every such brand shall be recorded as in this Act provided and the fees payable shall be those set out in the Schedule to this Act. 1936, c. 5, s. 3.

Renewal of  
brand.

(3) A brand so allotted shall not be good for a longer period than three years unless it is renewed by the owner.

Transfer  
of brand.

(4) Any owner shall be entitled to transfer the ownership of any brand to any party upon applying to the Minister and complying with the requirements laid down by the Minister to effect such transfer. R.S.O. 1927, c. 305, s. 2 (2, 3).

Certificate  
of transfer.

**3.**—(1) Upon the recording in the books of the Department of Agriculture of any allotment or transfer of a brand, the person in whose name the same is last recorded shall become the owner of the brand and of all the rights thereof and therein, and shall be entitled to a certificate of the allotment or transfer and of the recorded entry of the same, and the production of such certificate shall be *prima facie* evidence of the ownership of such certificate without any further proof of the signature of the officer or other person signing the certificate.

Right to  
ownership.

(2) In case any owner under this Act forfeits his right to ownership of a brand, the said brand shall not be allotted to any person for a period of at least three years. R.S.O. 1927, c. 305, s. 3.



4. The Director of the Live Stock Branch of the Department of Agriculture shall be recorder of brands and shall receive applications, keep a record of all brands allotted and make transfers and cancellations in accordance with the terms of this Act. R.S.O. 1927, c. 305, s. 4.

Record  
of all  
brands.

5. The Minister may cause to be published from time to time a complete list of the brands recorded under this Act. R.S.O. 1927, c. 305, s. 5.

List of  
brands  
may be  
published.

6. The Minister may prescribe any forms or make any further regulations necessary for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 305, s. 6.

Forms and  
regula-  
tions.

7. Every person who,—

Offences.

- (a) improperly and wrongfully brands or causes to be branded any live stock with a brand which has been recorded as required by this Act or the regulations, and which has not been cancelled thereunder; or
- (b) brands or causes to be branded with his own brand any live stock of which he is not the owner without the authority of the owner; or
- (c) defaces, obliterates or otherwise renders illegible, or causes to be defaced, obliterated or otherwise rendered illegible any brand upon live stock; or
- (d) brands or causes to be branded any live stock with an unrecorded brand;

shall be guilty of an offence and shall incur a penalty not exceeding \$200, recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 305, s. 7; 1936, c. 5, s. 4.

Penalty.  
Rev. Stat.,  
c. 136.

SCHEDULE.

TARIFF OF FEES.

On application for allotment of a brand for a period of 3 years....	\$1.00
On application for renewal of an allotment of a brand for a further period of 3 years.....	1.00
On application for change in the record of a brand.....	.50
On every transfer of a recorded brand.....	.50
For every search of a brand record.....	.50
For every certified extract from the brand recorded.....	.50

## CHAPTER 342.

## The Steam Threshing Engines Act.

Engines to  
be furnished  
with spark  
arresters.

**1.** Every manufacturer of steam threshing engines shall provide each engine with an efficient spark arrester before selling or disposing of the same, and no person shall use or run any steam threshing engine unless it is provided with such spark arrester, and every owner or other person using or running the engine, shall keep the spark arrester at all times when the engine is in use in proper working order. R.S.O. 1927, c. 307, s. 1.

Penalty.

**2.**—(1) Every manufacturer who sells or disposes of a steam threshing engine without an efficient spark arrester shall incur a penalty of not more than \$20 or less than \$5.

Idem.

(2) Every person using or running a steam threshing engine not provided with such spark arrester, or wilfully using or running a steam threshing engine not having the spark arrester in proper working order, shall incur a penalty of not more than \$20 or less than \$5, for every day he so uses such steam threshing engine. R.S.O. 1927, c. 307, s. 2.

Recovery of  
penalties.  
Rev. Stat.,  
c. 136.

**3.** All penalties imposed by this Act shall be recoverable under the provisions of *The Summary Convictions Act*. R.S.O. 1927, c. 307, s. 3.

Application  
of penalty.

**4.** One-half the fine when recovered shall belong to the informer and the other half to the treasurer of the municipality where the offence is tried. R.S.O. 1927, c. 307, s. 4.

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## CHAPTER 343.

## The Steam Boiler Act.

**1.** In this Act and in the regulations,—Interpreta-  
tion.

(a) “Inspector” shall mean an inspector appointed by the Lieutenant-Governor in Council under and for the purposes mentioned in this Act;

“Inspec-  
tor.”

(b) “Minister” shall mean Minister of Labour;

“Minister.”

(c) “Regulations” shall mean regulations made under the authority of this Act by the Lieutenant-Governor in Council;

“Regula-  
tions.”

(d) “Steam boiler” shall mean and include any vessel or structure in which steam is generated for power or heating purposes, and any vessel or other appliance in which steam, gas, air or liquid is contained under pressure, and shall include all pipes, apparatus and machinery attached to, or connected with a steam boiler, but not a portable boiler rated at twenty-five horse power or under, used exclusively for horticultural or agricultural purposes. R.S.O. 1927, c. 308, s. 1; 1929, c. 80, s. 2.

“Steam  
boiler.”**2.** Upon the recommendation of the Minister, the Lieutenant-Governor in Council may make regulations,—Power to  
make regu-  
lations.

(a) respecting the construction, repair, sale or exchange of steam boilers, and the approval of designs and installation of high pressure steam piping and fittings;

(b) prescribing specifications for the construction of steam boilers, including the material to be used, the method and order of construction, the tests to be applied during and after construction;

(c) for the inspection of every steam boiler during its construction and before it is removed from the place of construction, and for the inspection of used boilers when repaired, sold or exchanged;

(d) for fixing the fees for examination of drawings and specifications, and for making inspections and collecting the travelling expenses incurred by inspectors for such inspections; and

(e) generally respecting such other matter as may be deemed proper to secure a uniform standard of strength, safety and efficiency in the construction of steam boilers. R.S.O. 1927, c. 308, s. 2; 1929, c. 80, s. 3.

When to  
come into  
effect.

**3.** The regulations shall be published in the *Ontario Gazette* and shall come into force and take effect at a date to be named by Proclamation. R.S.O. 1927, c. 308, s. 3.

Appoint-  
ment of  
inspectors.

**4.**—(1) The Lieutenant-Governor in Council may appoint inspectors of steam boilers for the purposes of this Act and for the enforcement of the regulations, and may designate one of them to be Chief Boiler Inspector.

Employ-  
ment of  
boiler  
inspection  
company.

(2) The Minister may employ any boiler insurance company registered in the Department of Insurance, or any inspection company engaged in the inspection of steam boilers, to make any inspection of steam boilers during their construction, required by the regulations, and the company making such inspection shall report upon the same within fourteen days thereafter to the Chief Boiler Inspector. R.S.O. 1927, c. 308, s. 4.

Inspectors  
not to be  
agents for  
boilers or  
machinery.

**5.** No person shall be appointed or shall hold office as inspector who is directly or indirectly interested in the manufacture or sale of steam boilers or steam machinery. R.S.O. 1927, c. 308, s. 5.

Oath of  
office to be  
taken.

**6.** Every inspector appointed under the provisions of this Act shall, before entering upon the performance of his duties, take and subscribe an oath that he will faithfully and impartially perform the duties of his office. R.S.O. 1927, c. 308, s. 6.

Power  
to enter  
premises.

**7.** For the purpose of seeing that the provisions of this Act and of the regulations are complied with, an inspector may at any reasonable hour enter upon any land or into any building where any steam boiler is under construction, alteration or repair. R.S.O. 1927, c. 308, s. 7.

Obstruct-  
ing in-  
spectors.

**8.** Any person interfering with or obstructing any inspector in the performance of his duties under this Act shall incur a penalty not exceeding \$50. R.S.O. 1927, c. 308, s. 8.

Power of  
inspector  
to summon  
witnesses.

**9.**—(1) An inspector may by notice in writing require the attendance before him, at a time and place named in the notice, of any person, and may examine such person either alone or



in the presence of any other persons as he may think fit as to any matter connected with the construction, alteration or repair of a steam boiler or its removal from any place in which it has been constructed, altered or repaired.

(2) For the purposes of subsection 1, the inspector may administer an oath to any person to be examined by him.

(3) Every person who wilfully neglects or refuses to attend before the inspector after receiving notice so to do, or refuses to be sworn or to give evidence before the inspector, or to answer any question put to him by the inspector touching the matters mentioned in subsection 1, shall incur a penalty of \$25. R.S.O. 1927, c. 308, s. 9.

Penalty for neglect to attend.

**10.**—(1) Upon completion of his inspection, the inspector shall issue to the owner or manufacturer of the boiler an inspection certificate, and the owner or manufacturer shall pay the inspector a fee of \$5 for such inspection and the issue of such certificate.

Inspection certificate.

Fee.

(2) Any owner or manufacturer neglecting or refusing to pay the inspector such fee shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 308, s. 10.

Penalty for refusal to pay fee.

**11.**—(1) Every owner or manufacturer who knowingly contravenes any of the provisions of this Act or the regulations in such a manner as to endanger the safety of any person or who refuses or neglects to comply with any order, direction or recommendation lawfully given or made under this Act or the regulations dealing with the safe manufacture, installation or repair of steam boilers shall be guilty of an offence and shall incur a penalty of not less than \$50 and not more than \$300.

Penalty for contravention, endangering safety.

(2) Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and where no other penalty is provided shall incur a penalty of not less than \$10 and not more than \$50. 1932, c. 39, s. 2.

Penalty when not otherwise provided.

**12.**—(1) Any person who is dissatisfied with the action of an inspector or with a certificate of inspection issued by him may within one week after the inspection appeal to the Minister, who may thereupon cause another inspection to be made by one or more competent inspectors, who shall report to him, and the decision of the Minister shall be final.

Appeal to the Minister.

(2) Any expenses occasioned by the appeal and second inspection shall be paid as determined by the Minister. R.S.O. 1927, c. 308, s. 11.

Expenses how paid.

Application  
of fees and  
penalties.

**13.** All fees paid and all penalties recovered under this Act or the regulations shall be paid to the Treasurer of Ontario. R.S.O. 1927, c. 308, s. 12.

Recovery of  
penalties.

**Rev. Stat.,  
c. 136.**

**14.** The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 308, s. 13.

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## CHAPTER 344.

## The Weed Control Act.

**1.** In this Act and in any regulation made thereunder unless Interpretation. the context otherwise requires,—

- (a) "Director" shall mean the Director of Crops, Seeds and Weeds Branch of the Department of Agriculture; "Director."
- (b) "District inspector" shall mean an inspector of the Department of Agriculture appointed by the Lieutenant-Governor in Council upon the recommendation of the Minister; "District inspector."
- (c) "Inspector" shall mean any officer appointed under the authority of this Act and charged with the enforcement of this Act; "Inspector."
- (d) "Minister" shall mean Minister of Agriculture; "Minister."
- (e) "Non-resident land" shall mean land which is unoccupied and the owner of which is not resident within the municipality; "Non-resident land."
- (f) "Noxious weed" shall mean any plant designated noxious by the regulations; "Noxious weed."
- (g) "Regulations" shall mean regulations made under the authority of this Act; "Regulations."
- (h) "Unorganized townships" shall mean townships without municipal organization. 1935, c. 49, s. 2. "Unorganized townships."

**2.** The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,— Regulations.

- (a) prescribing the plants that shall be deemed noxious weeds;
- (b) providing for the appointment or employment of such officials as from time to time may be required for the proper administration of this Act;
- (c) providing for the giving of notice of the provisions of this Act and of the regulations to persons to whom such notice should be given, and the manner of giving the same;

(d) generally for the better carrying out of the provisions of this Act. 1935, c. 49, s. 3.

Declaring  
certain  
plants  
noxious  
weeds  
within  
county.

**3.**—(1) The council of any county may, with the consent of the Minister, pass by-laws declaring that plants other than those mentioned in the regulations, for the purposes of this Act, shall be deemed noxious weeds within the county.

Publica-  
tion of  
by-law.

(2) Any by-law passed under the authority of subsection 1 shall be published in the *Ontario Gazette* and when so published shall have the same force and effect within the county as if the provisions thereof had been contained in the regulations. 1935, c. 49, s. 4.

Destruction  
of weeds.

**4.** Every occupant of land, or if the land is unoccupied, the owner shall destroy all weeds designated noxious by the regulations as often in every year as is sufficient to prevent the ripening of their seeds. 1935, c. 49, s. 5.

Inspector,  
—appoint-  
ment of,  
by council.

**5.**—(1) The council of every city, town, village and township shall appoint at least one inspector to enforce the provisions of this Act in the municipality and fix the amount of the remuneration, fees or charges he is to receive for the performance of his duties, and if a vacancy occurs in the office, the council shall fill the same forthwith.

Division of  
municipi-  
pality into  
sections.

(2) The council may by by-law divide the municipality into sections or divisions for the carrying out of the provisions of this Act and may appoint inspectors for such divisions whose duties and powers shall, in all respects, be the same as those of the township inspector. 1935, c. 49, s. 6.

Inspector,  
—appoint-  
ment of  
by Minister.

**6.**—(1) Where a council neglects or refuses to appoint an inspector as provided in section 5 the Minister may by writing under his hand, appoint an inspector or inspectors for the municipality and may fix the amount of the remuneration, fees or charges payable to such inspector or inspectors.

Remunera-  
tion, fees,  
and charges.

(2) Such remuneration, fees and charges shall be paid to the inspector or inspectors upon the order in writing of the Minister addressed to the treasurer of the municipality.

Incom-  
petence.

(3) If, in the opinion of the Minister, any inspector appointed pursuant to this section is incompetent or remiss in the discharge of his duties, the Minister may cancel the appointment of such inspector by sending a notice in writing in that behalf to the council of the municipality. 1935, c. 49, s. 7.



**7.** No person shall be appointed or act as an inspector under the provisions of this Act within the corporate limits of a municipality, who is a member of the council of that municipality or who is a township road superintendent or foreman. 1935, c. 49, s. 8.

Member of council, road superintendent, foreman, not to be inspector.

**8.** The powers conferred by this Act upon any inspector to direct the destruction of any grain or forage crop, whether growing or not, or to destroy any such crop, shall not be exercised without first obtaining the consent in writing of the Director or the district inspector. 1935, c. 49, s. 9.

Consent of Director or district inspector, —when required.

**9.** Any inspector appointed under the provisions of this Act may at any time between sunrise and sunset enter upon any land which is within a district for which he is appointed, and enter any building, other than a dwelling house, situated thereon for the purpose of inspecting same, and may inspect any threshing machine, farm machinery or vehicle in order to search for noxious weeds or weed seeds. 1935, c. 49, s. 10.

Power of entry.

**10.**—(1) The inspector shall keep an account of the expense incurred by him in carrying out the provisions of this Act with respect to each parcel of land entered upon, and shall deliver a statement of such expenses, describing the land entered upon, and verified by oath where the amount exceeds \$5 to the owner or occupant of resident land with a notice requiring him to pay the amount.

Account of expense to be kept by inspector.

(2) In the case of a railway company, the statement and notice may be given to a station master of the company resident in the municipality, or if there is no station master therein, to a station master resident in an adjoining or neighbouring municipality, or to the divisional superintendent.

Railway company.

(3) If the owner or occupant deems such expenses excessive he may appeal to the council within fifteen days after the delivery of such statement and the council shall determine the matter in dispute.

Appeal from cost.

(4) If the owner or occupant refuses or neglects to pay such expenses within fifteen days after request for payment, the claim shall be presented to the council and the council shall audit the same and allow it, or so much thereof as may be found properly payable, and order the same to be paid from the general funds of the corporation.

Refusal or neglect to pay expenses.

(5) The inspector shall also present to the council a similar statement and where the amount exceeds \$5, verified by oath, of the expenses incurred by him in carrying out the provisions

Statement of expenses.

of this Act upon any non-resident land, and the council shall audit and allow the same, or so much thereof as may be properly payable and shall pay so much of it as has been so allowed.

Expenses to  
be charge  
against  
land.

(6) The council shall cause all such sums as have been so allowed and paid to be placed upon the tax roll of the municipality against the land described in the statement of the inspector to be collected in the same manner as other taxes. 1935, c. 49, s. 11.

Notice  
requiring  
destruction.

**11.**—(1) Notwithstanding the provisions of the preceding sections any district inspector who finds any noxious weeds or weed seeds on any land within the corporate limits of any city, town, village or township shall forthwith deliver or send by registered mail, to the treasurer of such city, town, village or township a notice requiring the destruction of such noxious weeds or weed seeds, or both, before a date to be named in such notice.

Right of  
entry.

(2) In case default is made by any city, town, village or township in complying with the requirements of a notice given pursuant to this section, any district inspector or any person or persons authorized by him may with such teams, machinery and equipment as may be deemed necessary, enter upon any or all of the lands upon which or upon any part of which any noxious weeds or weed seeds are found and proceed to destroy such noxious weeds in such manner as the district inspector may deem proper.

Expenses,  
—how  
payable.

(3) All expenses incurred by any district inspector in the destruction of noxious weeds or weed seeds pursuant to the provisions of this section shall be payable on demand by the city, town, village or township in respect of which the same were incurred and may be recovered by suit brought in any court of competent jurisdiction by the Minister in the name of His Majesty as a debt due to the Crown and in any such suit a certificate under the hand of the Minister as to the amount of such expenditures shall be accepted as conclusive evidence of the amount of the indebtedness of the city, town, village or township, as the case may be, in respect of such expenditures. 1935, c. 49, s. 12.

Inspector  
to report  
amount  
expended  
to clerk.

**12.**—(1) Notwithstanding the provisions of section 10, in cities and towns where the person appointed as inspector is an officer or servant of the corporation he shall report to the clerk the amount expended by the municipality in carrying out the provisions of this Act with respect to each parcel of land and the clerk shall place on the collector's roll of the

municipality the sum so expended against the respective lands, and such sum shall be collected in the same manner as other taxes, subject to an appeal to the court of revision of the said city or town at any time during the year in which the said sums are placed on the collector's roll.

(2) The council of any township adjacent to a city or town may by by-law declare that, with respect to the whole township or any defined area or areas in such township, the provisions of this section shall apply as in the case of a city or town. 1935, c. 49, s. 13.

Application  
of section  
in town-  
ships.

**13.**—(1) It shall be the duty of every road authority to see that all weeds growing upon streets or highways under its jurisdiction are cut down or destroyed at the proper time to prevent the ripening of their seed, and to appoint such officers as may be necessary for that purpose.

Road author-  
ity,—  
duty of as  
to cutting  
weeds.

(2) In this section "road authority" shall have the same meaning as in *The Highway Improvement Act*.

"Road author-  
ity,"—  
meaning of.  
Rev. Stat.,  
c. 56.

(3) Upon the report of the Minister of Agriculture that any road authority is in default in the duty imposed upon it by subsection 1, the Lieutenant-Governor in Council may direct that any sums of money payable out of the Consolidated Revenue Fund in respect of roads under the jurisdiction of such road authority under *The Highway Improvement Act* or any other Act relating to highways shall be withheld until it is shown to the satisfaction of the Minister of Highways that the road authority has carried out the duty so imposed.

Default  
of road  
authority.

(4) The council of a local municipality may by by-law provide that thereafter the annual cost of cutting down or destroying noxious weeds on any highway under the control of the municipality, but which has not been assumed by the corporation, shall be specially assessed upon the lands abutting directly on such highway.

Cost of  
weed  
cutting on  
highway.

(5) Neither the passing of a by-law under subsection 4, nor the expenditure of public money for cutting down or destroying noxious weeds upon a highway shall be an assumption of such highway for public use by the municipal corporation having control of such highway so as to render such corporation liable for repair or for damages resulting from non-repair within the meaning of *The Municipal Act*. 1935, c. 49, s. 14.

Destruc-  
tion of  
weeds not to  
be deemed  
assumption  
of highway.

Rev. Stat.,  
c. 266.

**14.** It shall be the duty of every railway company to prevent noxious weeds from growing upon any land owned or occupied by it for the purposes of, or in connection with its railway undertakings. 1935, c. 49, s. 15.

Railway  
company,  
—duty of.

Riparian  
owner.

**15.** For the purposes of this Act, every occupant of land shall be responsible for all noxious weeds growing to the low water mark of any river, stream, lake or other body of water. 1935, c. 49, s. 16.

Depositing  
noxious  
weeds  
on road  
prohibited.

**16.** No person shall deposit or permit to be deposited any noxious weeds or weed seeds on any road, road allowance, highway, street or lane or in any river, stream, lake or body of water. 1935, c. 49, s. 17.

Threshing  
machine,—  
cleaning of.

**17.** Every person in possession or charge of any machine used for threshing shall, before removing such machine, or any equipment used in connection therewith, to another farm, or before travelling upon any public roadway, clean or cause the same to be cleaned thoroughly both inside and out, by the removal of all seeds and other crop refuse. 1935, c. 49, s. 18.

Registra-  
tion of  
threshing  
machine.

**18.**—(1) Every person, firm or company owning or operating a threshing machine or separator, or causing the same to be operated for hire, shall each year before commencing operations, register such threshing machine or separator with the Minister and shall procure a certificate of registration as in Form A in the Schedule hereto.

Posting  
of regis-  
tration  
certificate.

(2) Such registration certificate shall be kept posted in a conspicuous place upon the machine or separator by the owner or operator during the whole of the threshing season.

Fees.

(3) The fee for registration shall be \$1, but in case of a machine not used for hire there shall be no fee.

Transfer of  
ownership.

(4) Notice of any transfer or change of ownership of any machine registered under this Act shall be promptly forwarded to the Minister.

Penalty.

(5) Failure to comply with the provisions of this section shall be an offence and the offender shall be liable to a penalty of not less than \$10 nor more than \$25. 1935, c. 49, s. 19.

Refuse.

**19.** Every person responsible for the operation of a grain elevator, grist mill, flour mill, seed cleaning plant or other grain cleaning or grinding machinery shall dispose of all refuse, containing weed seeds, in such a manner that such weed seeds do not create a weed menace to neighbouring or other property. 1935, c. 49, s. 20.

Unorgan-  
ized terri-  
tory.

Rev. Stat.,  
c. 274.

**20.** In unorganized territory where road commissioners have been appointed under *The Statute Labour Act* such commissioners shall for the purposes of this Act have the powers and perform the duties of an inspector, and all the provisions



of this Act and the regulations shall apply in the same manner as in the case of an unorganized municipality except that any sums payable by any person liable for expenses incurred or remuneration paid in carrying out the provisions of this Act shall be collectible in the manner provided in *The Statute Labour Act* with respect to the enforcement of the payment of charges for statute labour or commutation thereof. 1935, c. 49, s. 21.

**21.** In any unorganized territory or division thereof, the Minister may appoint inspectors where he deems it necessary for the better carrying out of the provisions of this Act. 1935, c. 49, s. 22. District inspectors.

**22.** Any person who contravenes any of the provisions of this Act or refuses or neglects to obey any lawful order of an inspector given under the authority of this Act, shall incur a penalty of not less than \$10 nor more than \$50 for every such offence. 1935, c. 49, s. 23. Penalty, refusal or neglect.

**23.** Any person interfering with or obstructing any inspector in the performance of his duties under this Act shall incur a penalty not exceeding \$50. 1935, c. 49, s. 24. Penalty,—obstructing inspector.

**24.** The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. 1935, c. 49, s. 25. Recovery of penalties.  
Rev. Stat., c. 136.

SCHEDULE.

FORM A.

THE WEED CONTROL ACT.

(Section 18)

PROVINCE OF ONTARIO.

DEPARTMENT OF AGRICULTURE.

Registration Certificate of Threshing Machine No.

THIS IS TO CERTIFY THAT.....  
of .....  
has duly registered his threshing machine in accordance with the provisions of section 18 of *The Weed Control Act*.

Dated at Toronto, this )  
..... day )  
of....., 19.... )  
Minister of Agriculture

## CHAPTER 345.

## The Clean Grain Act.

Interpreta-  
tion.**1.** In this Act,—

“Grain.”

- (a) “Grain” shall include oats, barley, corn, wheat, rye, buckwheat, peas, flax, screenings and such other grain or seed as may be designated by the Lieutenant-Governor in Council whether the same is mixed or unmixed, ground or unground;

“Impuri-  
ties.”

- (b) “Impurities” shall include such substances, matters and things as may be designated by the regulations;

“Minister.”

- (c) “Minister” shall mean Minister of Agriculture;

“Regula-  
tions.”

- (d) “Regulations” shall mean regulations made under this Act;

“Sell.”

- (e) “Sell” shall mean and include keep, offer or expose for sale or sell, and “sold” shall have a corresponding meaning;

“Weed  
seeds.”

- (f) “Weed seeds” shall include the seeds of any plant designated by the regulations. 1935, c. 8, s. 2.

Exceptions  
as to  
application  
of Act.**2.** This Act shall not apply to grain which is sold,—

- (a) by the grower thereof to any person who puts such grain to his own use and does not resell the same;
- (b) by the grower thereof to any person for the purpose of cleaning before being resold;
- (c) for such other purposes as may be provided by the regulations. 1935, c. 8, s. 3.

Imported  
grain, to  
comply with  
regulations  
before sale.**3.**—(1) Except as provided by this Act or the regulations all grain brought into Ontario shall before being offered for sale or sold therein be clean and free from weed seeds and other impurities as provided for in and required by the regulations.Invoice to  
show  
compliance  
with Act.

## (2) Except as provided in subsection 1, the bill of lading or invoice of every shipment of grain which is sold or to be sold in Ontario shall have printed or marked thereon a statement that such grain complies with this Act and the regulations.

(3) All grain to which this Act applies while under shipment within Ontario shall *prima facie* be presumed to be intended to be offered for sale or sold in Ontario unless the bill of lading or invoice of such shipment establishes the contrary to be the case. 1935, c. 8, s. 4.

Grain under shipment.

4. No grain to which this Act applies may be offered for sale or sold in Ontario unless the same complies with this Act and the regulations. 1935, c. 8, s. 5.

Sale of unclean grain prohibited.

5. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,—

Regulations.

- (a) designating the plants the seeds of which shall be weed seeds within the meaning of this Act;
- (b) designating the substances, matters and things which shall be impurities within the meaning of this Act;
- (c) prescribing the maximum quantity or percentage of weed seeds or impurities which may be mixed or contained with grain to which this Act applies;
- (d) prescribing the methods and means by which grain to which this Act applies shall be cleaned and freed from weed seeds and impurities;
- (e) providing for the inspection, sampling and testing of grain to which this Act applies. 1935, c. 8, s. 6.

6.—(1) Every person who offers for sale or sells in Ontario any grain to which this Act applies which does not comply with this Act or the regulations shall be guilty of an offence and shall incur a penalty of not less than \$20 nor more than \$200 for each offence recoverable under *The Summary Convictions Act*.

Penalty.

Rev. Stat.,  
c. 136.

(2) In addition to any penalty to which any person may be subject under this Act, any grain to which this Act applies offered for sale or sold in Ontario, except in compliance with this Act may be seized by any person authorized by the Minister and may be held by such person at the expense of the owner of the grain until this Act is complied with, and failing such compliance within twenty-one days after seizure the grain shall be forfeited and may be disposed of as the Minister may direct. 1935, c. 8, s. 7.

Seizure of grain sold in contravention of Act.

## CHAPTER 346.

## The Plant Diseases Act.

Interpreta-  
tion.**1.** In this Act,—“Con-  
tainer.”

- (a) “Container” shall mean any receptacle in which plants may be placed, stored, shipped, offered for sale or sold;

“Director.”

- (b) “Director” shall mean the Director of the Fruit Branch of the Department of Agriculture;

“Inspec-  
tor.”

- (c) “Inspector” shall mean an inspector appointed under the provisions of this Act;

“Minister.”

- (d) “Minister” shall mean Minister of Agriculture;

“Nursery.”

- (e) “Nursery” shall mean any place where plants are propagated for sale;

“Plant.”

- (f) “Plant” shall mean any tree, shrub, vine or other plant or the fruit or any portion of any of them;

“Plant  
disease.”

- (g) “Plant disease” shall mean any disease caused by any insect, virus, fungus, bacterium or other organism which is designated a plant disease in the regulations;

“Regula-  
tions.”

- (h) “Regulations” shall mean regulations made under the authority of this Act. 1937, c. 57, s. 2.

Director  
to be in  
charge.

- 2.** The Director shall be charged with the administration and enforcement of this Act and the regulations. 1937, c. 57, s. 3.

Appoint-  
ment of  
inspectors.

- 3.** The Lieutenant-Governor in Council, upon the recommendation of the Minister, may appoint inspectors for the carrying out of the provisions of this Act and the regulations. 1937, c. 57, s. 4.

Appoint-  
ment of  
inspector  
by munici-  
pality.

- 4.** The council of any municipality may, and upon receipt of a petition signed by at least twenty-five ratepayers, the council of any township or county shall, by by-law appoint one or more inspectors to enforce the provisions of this Act and the regulations in such municipality, and such by-law shall fix the remuneration, fees or charges to be paid to any such inspector; provided that such by-law shall not take effect until it is approved in writing by the Minister. 1937, c. 57, s. 5.



**5.** A nursery shall not be established or operated unless a permit therefor has been obtained from the Minister. 1937, c. 57, s. 6. Permit for nursery.

**6.—(1)** No person shall bring, or cause to be brought into Ontario for use in Ontario, any plant or fruit infested with any plant disease. Importation of infested plants prohibited.

(2) No person shall buy, have, offer for exchange or sale, or exchange or sell any plant or fruit infested with any plant disease. 1937, c. 57, s. 7. Possession of infested plants prohibited.

**7.** Any inspector, upon production of a certificate of his appointment signed by the Director, shall have the right to enter and inspect any nursery, farm, garden, orchard, store-room or other place wherein he has reason to believe that plants are located. 1937, c. 57, s. 8. Right of entry.

**8.** Any charges payable under this Act or the regulations may be recovered as a debt in any court of competent jurisdiction, or may be collected in the same manner as municipal taxes are collected, in which event the clerk of the municipality shall, upon notice to him of the amount due and of the person by whom it is due and of the lands in respect to which such charges are payable, enter such amount upon the collector's roll and the collector shall proceed to collect such amount from the goods and chattels and the estate or interest in the lands of the person liable, in the same manner as municipal taxes are collected, and if such charges are recovered for the Province, the treasurer of the municipality shall remit the amount recovered to the Minister. 1937, c. 57, s. 9. Recovery of charges.

**9.** The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,— Regulations.

- (a) designating plant diseases within the meaning of this Act;
- (b) prescribing the duties of the Director, and the inspectors appointed under this Act;
- (c) providing for the issue and cancellation of nursery permits;
- (d) respecting the bringing into Ontario of plants or fruit likely to introduce into Ontario any plant disease;
- (e) respecting the transportation in Ontario of plants or fruit likely to be infested with any plant disease;

- (f) providing for the inspection of nurseries, farms, orchards, market gardens and all other places where plants or fruit are grown, stored or processed;
- (g) providing for the issue of certificates as to the freedom from plant disease of any nursery, farm, orchard, market garden or other place and of any plants or fruit grown therein or removed therefrom;
- (h) providing for the treatment to be given any plant, container or premises to eradicate or control or to prevent the spread of any plant disease, and by whom such treatment shall be given;
- (i) providing for the seizure, removal, destruction and confiscation of any plant, fruit or container infested with a plant disease;
- (j) prescribing the charges which may be made by the Minister or by the municipality for the treatment, seizure, removal, destruction or confiscation of any plant or fruit infested with a plant disease;
- (k) providing for the reimbursement of any municipality for any part of the moneys expended by it in carrying out the provisions of this Act;
- (l) generally for the better carrying out of the provisions of this Act. 1937, c. 57, s. 10.

Penalty.

**10.**—(1) Every person who violates any of the provisions of this Act or the regulations shall be guilty of an offence and liable to a penalty of not less than \$5 and not exceeding \$50.

Recovery of penalties.

Rev. Stat.,  
c. 136.

(2) The penalties provided in this Act and the regulations shall be recoverable under *The Summary Convictions Act*. 1937, c. 57, s. 11.

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## CHAPTER 347.

## The Ginseng Act.

**1.** Except for the purpose of clearing or bringing land into cultivation no person shall, between the 1st day of January and the 1st day of September in any year, cut, root up, gather or destroy the plant known by the name of ginseng growing in a wild or uncultivated state. R.S.O. 1927, c. 313, s. 1.

Destruction  
of ginseng  
prohibited.

**2.** No person shall purchase ginseng knowing the same to have been cut, rooted up, or gathered between the 1st day of January and the 1st day of September. R.S.O. 1927, c. 313, s. 2.

Purchasing  
with knowl-  
edge of  
illegal  
gathering.

**3.**—(1) Any person who contravenes the provisions of this Act shall incur a penalty of not less than \$5 and not more than \$20, recoverable under *The Summary Convictions Act*.

Penalty  
and  
recovery.  
Rev. Stat.,  
c. 136.

(2) One-half of such penalty shall be paid to the prosecutor unless otherwise ordered by the convicting justice. R.S.O. 1927, c. 313, s. 3.

Application  
of penalty.

**4.** Evidence of the purchase or sale of ginseng between the 1st day of January and the 1st day of September shall be *prima facie* proof of a contravention of this Act. R.S.O. 1927, c. 313, s. 4.

Proof of  
purchase or  
sale to be  
*prima facie*  
evidence.

**5.** In any prosecution for a contravention of section 2 evidence that the ginseng purchased has been illegally obtained by the vendor shall be *prima facie* proof of a contravention of this Act by the purchaser. R.S.O. 1927, c. 313, s. 5.

Proof of  
illegal  
gathering  
to be  
*prima facie*  
evidence  
against  
purchaser.

## CHAPTER 348.

## The Bees Act.

## PART I.

Ownership  
of bees in  
a state of  
freedom.

**1.** Bees living in a state of freedom shall be the property of the person discovering them, whether he is or is not the proprietor of the land on which they have established themselves. R.S.O. 1927, c. 314, s. 1.

In hives,  
private  
property.

**2.** Bees reared and kept in hives shall be private property. R.S.O. 1927, c. 314, s. 2.

(NOTE—*As to exemption from seizure under execution see The Execution Act, Rev. Stat. c. 125.*)

Rights of  
owner  
where bees  
abandon  
their hives.

**3.**—(1) Where a swarm of bees leaves a hive the owner may reclaim them, so long as he can prove his right of property therein, and shall be entitled to take possession of them at any place on which the swarm settles, even if such place be on the land of another person, but the owner shall notify the proprietor of such land beforehand and compensate him for all damages.

Exception.

(2) If a swarm settles in a hive which is already occupied the owner of such swarm shall lose all right of property therein. R.S.O. 1927, c. 314, s. 3.

Unpursued  
swarms.

**4.** An unpursued swarm which lodges on any property, without settling thereon, may be secured by the first comer unless the proprietor of the land objects. R.S.O. 1927, c. 314, s. 4.

Property  
where  
owner  
declines to  
follow his  
bees.

**5.** If the owner of a swarm declines to follow the swarm, and another person undertakes the pursuit, such other person shall be substituted in the rights of the owner, and every swarm which is not followed shall become the property of the proprietor of the land on which it settles, without regard to the place from which it has come. R.S.O. 1927, c. 314, s. 5.

Use of  
poison in  
spraying  
fruit trees  
in bloom  
prohibited.

**6.**—(1) No person in spraying or sprinkling fruit trees during the period within which such trees are in full bloom shall use any mixture containing Paris green or any other poisonous substance injurious to bees.



(2) Any person contravening the provisions of this section shall incur a penalty of not less than \$5 and not more than \$25. R.S.O. 1927, c. 314, s. 6. Penalties.

## PART II.

**7.**—(1) The Lieutenant-Governor in Council upon the recommendation of the Minister of Agriculture may from time to time appoint one or more inspectors of apiaries to enforce this Act. Appointment of inspectors of apiaries.

(2) The inspector shall, if so required, produce the certificate of his appointment on entering upon any premises in the discharge of his duties. Producing certificate.

(3) The remuneration to be paid to an inspector under this Act shall be determined by order of the Lieutenant-Governor in Council, and shall be payable out of any sum appropriated by this Legislature for the enforcement of this Act. R.S.O. 1927, c. 314, s. 7. Remuneration.

**8.**—(1) Every person keeping bees in the Province of Ontario shall on or before the 30th day of April in every year apply to the Minister of Agriculture in writing, signed by the applicant, for a certificate of registration. Certificate of registration.

(2) The application shall be in such form as may be prescribed by the regulations and shall be accompanied by the prescribed fee for registration. Form of application.

(3) Every application shall be addressed to the Provincial Apiarist, Ontario Agricultural College, Guelph. Application to be addressed to Provincial Apiarist.

(4) Where a person commences keeping bees after the 30th day of April in any year, he shall apply for a certificate of registration as hereinbefore provided within ten days after coming into possession of the bees. Application for registration after 30th April.

(5) Every person keeping bees who neglects or refuses to comply with the provisions of this section shall incur a penalty of not less than \$5 nor more than \$10 and costs. R.S.O. 1927, c. 314, s. 8. Penalty.

**9.**—(1) The inspector shall, whenever so directed by the Minister, visit any locality in Ontario and examine any apiary to which the Minister directs him, for the purpose of ascertaining if any infectious or contagious disease of bees exists in such apiary. R.S.O. 1927, c. 314, s. 9 (1). Duties of inspectors.

(2) If the inspector finds that foul brood exists in a virulent or malignant type he may immediately destroy by fire all colonies of bees so affected, together with the hives occupied Destruction where disease malignant.

by them and the contents of such hives and all tainted appurtenances that cannot be disinfected. 1931, c. 65, s. 2.

Treatment  
of infec-  
tious or  
contagious  
diseases.

(3) Where the inspector, who shall be the sole judge thereof, finds that an infectious or contagious disease, not being foul brood of a virulent or malignant type, exists among the bees he shall give notice in writing to the bee-keeper instructing him as to the treatment of such disease and stating the time within which such treatment shall be given, and if at the expiration of such time the diseased colonies have not been treated by the bee-keeper in accordance with the notice, the same may be treated by the inspector, and the bee-keeper shall be liable to the inspector for all expenses incurred in such treatment. R.S.O. 1927, c. 314, s. 9 (3).

Transfer to  
movable  
hives.

**10.** The inspector may order the owner or possessor of any bees dwelling in box or immovable frame hives to transfer them to movable frame hives within a specified time, and in default the inspector may destroy or order the destruction of such hives and the bees dwelling therein. R.S.O. 1927, c. 314, s. 10.

Quarantine.

**11.** For the better prevention of foul brood, the Lieutenant-Governor in Council may, on the recommendation of the Minister, declare a quarantine of bees at any point within the Province and may fix the duration of such quarantine and all other conditions in connection therewith, and any inspector appointed under this Act shall have full authority to inspect bees in such quarantine when directed so to do by the Minister. R.S.O. 1927, c. 314, s. 11.

Sale of in-  
fected bees  
or articles.

**12.—(1)** The owner or possessor of an apiary shall not sell, barter, give away or remove from the premises any bees or used apiary appliances or apparatus until he has secured a permit from the Provincial Apiarist that such bees, used apiary appliances or apparatus have been properly disinfected and are free from disease. R.S.O. 1927, c. 314, s. 12 (1); 1931, c. 65, s. 3.

Certificate  
required  
with im-  
portation.

(2) Bees or used apiary appliances or apparatus shall not be imported into Ontario from any other province in Canada or from any state in the United States of America unless accompanied by a certificate from a provincial or state officer certifying that such bees, used apiary appliances or apparatus are free from any infectious or contagious disease, but this shall not apply to the importation into Ontario of bees apart from combs.

Penalty.

(3) Every person who contravenes the provisions of this section shall be guilty of an offence and shall incur a penalty

of not less than \$50 nor more than \$100. R.S.O. 1927, c. 314, s. 12 (2, 3).

**13.** Any person whose bees have been destroyed or treated for foul brood who sells or offers for sale any bees, hives or appurtenances of any kind after such destruction or treatment and before receiving a permit from the Provincial Apiarist so to do, or who exposes in his bee-yard, or elsewhere, any infected comb honey or other infected thing, or conceals the fact that such disease exists among his bees shall incur a penalty of not less than \$20 or more than \$50, or he may be imprisoned for a term not exceeding two months. R.S.O. 1927, c. 314, s. 13; 1931, c. 65, s. 4.

Selling infected bees, etc.—exposing infected things.

**14.** Any owner or possessor of bees who refuses to allow the inspector to freely examine bees or the premises in which they are kept, or who refuses to destroy the infected bees and appurtenances or to permit them to be destroyed when so directed by the inspector, shall, on the complaint of the inspector, incur a penalty of not less than \$25 or more than \$50 for the first offence, and not less than \$50 or more than \$100 for the second and any subsequent offence, and the convicting justice shall by the conviction order such owner or possessor forthwith to carry out the directions of the inspector. R.S.O. 1927, c. 314, s. 14.

Penalty for obstructing inspector.

**15.** Where such owner or possessor of bees offers resistance to or obstructs the inspector, a justice of the peace may, upon the complaint of the inspector, cause a sufficient number of special constables to be sworn in who shall, under the directions of the inspector, proceed to the premises of such owner or possessor and assist the inspector to seize all the diseased colonies and infected appurtenances and burn them forthwith, and if necessary the inspector or constables may arrest the owner or possessor and bring him before a justice of the peace to be dealt with according to the provisions of section 14. 1931, c. 65, s. 5.

Employment of special constables.

**16.** Before proceeding against any person before a justice of the peace the inspector shall read over to such person the provisions of this Act or shall cause a copy thereof to be delivered to him. R.S.O. 1927, c. 314, s. 16.

Informing offender of provisions of Act.

**17.** Every owner or possessor of bees and any other person who is aware of the existence of foul brood either in his own apiary or elsewhere shall immediately notify the Minister of the existence of such disease and in default of so doing shall incur a penalty of \$5. R.S.O. 1927, c. 314, s. 17.

Duty to notify Minister.

Inspectors  
to report to  
Minister.

**18.** Each inspector shall report to the Minister as to the inspection of any apiary in such form and manner as the Minister may direct, and all reports shall be filed in the Department of Agriculture and shall be made public as the Minister may direct or upon order of the Assembly. R.S.O. 1927, c. 314, s. 18.

Regula-  
tions.

**19.** The Minister of Agriculture, with the approval of the Lieutenant-Governor in Council, may make regulations,—

- (a) prescribing the form of application for registration;
- (b) for fixing the fees to be paid for registration and upon a certificate of registration;
- (c)\* for the registration of bee-keepers and prescribing the form of the register and the particulars to be entered therein;
- (d) for requiring bee-keepers to make such returns and to furnish such information to the Department as may be deemed necessary or desirable;
- (e) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 314, s. 19.

Prosecu-  
tions.

Rev. Stat.,  
c. 136.

**20.** *The Summary Convictions Act* shall apply to all prosecutions for offences against this Act. R.S.O. 1927, c. 314, s. 20.

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## CHAPTER 349.

## The Line Fences Act.

## 1.—(1) In this Act,—

Interpre-  
tation.

(a) “Judge” shall mean judge of the county or district court; “Judge.”

(b) “Occupied lands” shall not include so much of a lot as is unenclosed, although a part of it is enclosed and in actual use and occupation. “Occupied lands.”

(2) Where, within the meaning of section 3, there is a dispute between owners or occupants of lands situate in different local municipalities,—

(a) “Fence-viewers” shall mean two fence-viewers of the municipality in which is situate the land of the owner or occupant notified under clause *a* of section 3, and one fence-viewer of the municipality in which is situate the land of the person giving the notice except that in case of a disagreement within the meaning of clause *d* of that section “fence-viewers” shall mean fence-viewers from either or both municipalities; “Fence-viewers.”

(b) “In which the land is situate” and “in which the land lies” shall mean in which is situate the land of the owner or occupant so notified under clause *a* of section 3. “In which the land is situate”; “in which the land lies.”

(3) The provisions of this Act *mutatis mutandis* shall apply to unoccupied land as well as to occupied land in any township in a county or district if the council of such township passes a by-law declaring that the provisions of this Act shall so apply, and if such a by-law is passed it shall be the duty of the clerk of the township to send forthwith a true copy of it to the Department of Municipal Affairs. R.S.O. 1927, c. 315, s. 1. By-law making Act apply to unoccupied lands in township.

2.—(1) Owners of adjoining occupied lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence they shall make and keep up and repair the same proportion of a fence to mark such boundary. Duties of owners of adjoining occupied lands.

(2) Owners of unoccupied land which adjoins occupied land, upon such unoccupied land becoming occupied, shall be Unoccupied land.

liable to keep up and repair such proportion, and in that respect shall be in the same position as if their land had been occupied at the time of the original fencing, and shall be liable to the compulsory proceedings hereinafter mentioned. R.S.O. 1927, c. 315, s. 2.

Unopened  
road allow-  
ance.

(3) Where there is an unopened road allowance lying between occupied lands and not enclosed by a lawful fence, it shall be the duty of the fence-viewers, when called upon, to divide such road allowance equally between the owners of such occupied lands, and to require each owner to make, keep up and maintain a just proportion of fence to mark the division line, but nothing in this section shall in any way affect or interfere with the rights of the municipality in such road allowance or be deemed to confer any title therein upon such owners or either of them. 1931, c. 66, s. 1.

Disputes  
between  
owners,  
how to be  
settled.

**3.** Where an owner of land desires fence-viewers to view and arbitrate as to what portion of such fence each owner shall make, keep up and repair, or as to the condition of an existing line fence and as to repairs being done to the same;

Notice to  
owner or  
occupant of  
adjoining  
land.

(a) Either owner may notify (Form 1) the other owner or the occupant of the land of such other owner that he will, on a day named, not less than one week from the service of such notice, cause three fence-viewers of the locality to arbitrate in the premises;

Notice to  
fence-  
viewers.

(b) The owner so notifying shall also notify (Form 2) the fence-viewers not less than one week before their services are required;

What to  
contain.

(c) The notices in both cases shall be in writing signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and the notice to an owner may be served by leaving the same at the place of abode of such owner or occupant with some grown-up person residing thereat, or, in case of the land being untenanted, by leaving the notice with any agent of such owner;

When judge  
to appoint  
fence-  
viewers.

(d) An owner notified may, within the week, object to any or all the fence-viewers notified, and in case of disagreement the judge shall name the fence-viewers who are to arbitrate. R.S.O. 1927, c. 315, s. 3.

Duty and  
liability of  
occupants  
as to notify-  
ing owners.

**4.** An occupant who is not the owner so notified shall immediately notify the owner, and if he neglects so to do shall be liable for all damage caused to the owner by such neglect. R.S.O. 1927, c. 315, s. 4.

5. The fence-viewers shall examine the premises, and if required by either party shall hear evidence, and may examine the parties and their witnesses on oath. R.S.O. 1927, c. 315, s. 5.

Duties and  
powers of  
fence-  
viewers.

6.—(1) The fence-viewers shall make an award (Form 3), signed by any two of them respecting the matters in dispute and the award shall specify the locality, quantity, description and the lowest price of the fence awarded to be made and the time within which the work shall be done, and shall state by which of the parties or in what proportion the costs of the proceedings shall be paid.

Award of  
fence-  
viewers.  
Contents.

(2) In making the award the fence-viewers shall have regard to the nature of the fences in use in the locality, the pecuniary circumstances of the parties and the suitability of the fence to the wants of each of them.

Character  
of fence.

(3) Where, from the formation of the ground by reason of streams or other causes, it is, in the opinion of the fence-viewers, impracticable to locate the fence upon the line between the lands of the parties, they may locate it either wholly or partly on the land of either of the parties where it seems to be most convenient, but such location shall not in any way affect the title to the land.

Location  
of fence.

(4) The fence-viewers may employ an Ontario land surveyor and have the locality described by metes and bounds. R.S.O. 1927, c. 315, s. 6.

Employ-  
ment of  
surveyor.

7. The award shall be deposited in the office of the clerk of the municipality in which the land of the owner who initiated the proceedings is situate, and may be proved by a copy certified by the clerk, and notice in writing of its being made shall be given by the clerk to all parties interested. R.S.O. 1927, c. 315, s. 7.

Deposit  
of award.  
Award may  
be evidence.  
Notification  
of award.

8. The judge may, on application of either party, extend the time for making the fence as he may deem just. R.S.O. 1927, c. 315, s. 8.

Extending  
time for  
making  
fence.

9.—(1) The party desiring to enforce the award shall serve upon the owner or occupant of the adjoining land a notice in writing requiring him to obey the award, and if it is not obeyed within one month after service of the notice may do the work which the award directs, and may immediately take proceedings to recover its value and the costs from the owner by action in the division court of any division in which any part of the land affected by the award is situate.

Award, how  
enforced.

Collection  
of debt and  
costs as  
taxes.

(2) Instead of requiring execution to be issued upon the judgment so recovered the party entitled to enforce the same may obtain a certificate from the clerk of the division court of the amount due for debt and costs in respect of such judgment, and shall be entitled, upon lodging the same with the clerk of the municipality, to have the amount so certified placed upon the collector's roll, and the same may be collected in the same manner as taxes are collected, and shall until so collected or otherwise paid be a charge upon the land liable for the payment thereof, and in such case execution shall not thereafter issue on such judgment. R.S.O. 1927, c. 315, s. 9.

Award to be  
a charge on  
land, if  
registered.

**10.**—(1) The award may be registered in the proper registry or land titles office and when registered shall be a charge upon the land affected by it.

How regis-  
tered.

(2) Registration may be by deposit of a duplicate of the award or of a copy, verified by affidavit, together with an affidavit of the execution of the award. R.S.O. 1927, c. 315, s. 10.

Appeals.

**11.**—(1) Any person dissatisfied with the award may appeal therefrom to the judge.

Notice of  
appeal.

(2) The appellant shall, within one week from the time when he was notified of the award, serve upon the fence-viewers and all parties interested a notice in writing of his intention to appeal, and the notice may be served as other notices mentioned in this Act.

To clerk.

(3) The appellant shall also deliver a copy of the notice to the clerk of the division court of the division in which the land lies, and the clerk shall immediately notify the judge of such appeal and the judge shall fix a time and place for the hearing of the appeal and shall communicate the same to the clerk, and, if he thinks fit, may order such sum of money to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal.

Notice of  
hearing.

(4) The clerk shall notify the fence-viewers and all parties interested of the time and place of hearing, in the manner hereinbefore provided for the service of other notices under this Act.

Powers of  
judge.

(5) The judge shall hear and determine the appeal and may set aside, alter or affirm the award, or correct any error therein, and may examine the parties and their witnesses on oath, and may inspect the premises and may order payment of costs by either party and fix the amount of such costs.



(6) The decision of the judge shall be final and the award, as altered or affirmed, shall be dealt with in all respects as it would have been if it had not been appealed from. Decision of judge to be final.

(7) The practice and procedure on the appeal, including the fees payable for subpoenas and the conduct money of witnesses, shall be the same, as nearly as may be, as in the case of a suit in the division court. Procedure.

(8) Where the award affects land in two or more counties or districts the appeal may be to the judge of the county or district court of the county or district in which any part of the land is situate. R.S.O. 1927, c. 315, s. 11. Where land in different counties.

**12.**—(1) Each fence-viewer shall be entitled to \$2 or such larger amount, not exceeding \$5, as the council may by by-law fix for every day's work under this Act, and an Ontario land surveyor and a witness shall be entitled to the same compensation as if subpoenaed in a division court. Fees to fence-viewers, surveyors and witnesses.

(2) The corporation of the municipality shall, at the expiration of the time for appeal or after appeal as the case may be, pay to the fence-viewers their fees, and shall, unless the same be forthwith repaid by the person adjudged to pay the same, place the amount upon the collector's roll as a charge against such person, and the same may be collected in the same manner as municipal taxes. R.S.O. 1927, c. 315, s. 12. Payment of fence-viewers' fees.

**13.**—(1) If the judge inspects the premises or hears the appeal at a place other than the county or district town he shall be entitled to be paid the actual expenses incurred by him and, in the order setting aside, altering or affirming the award, shall fix the amount of such expenses and name the person by whom the same shall be paid. Judge's expenses.

(2) The judge shall be paid by the corporation of the municipality the amount so fixed, and the same shall be collected in the same manner as is provided in respect to the fence-viewer's fees. R.S.O. 1927, c. 315, s. 13. Municipality to pay expenses and collect amount.

**14.** Any agreement in writing (Form 4) between owners respecting a line fence may be filed or registered and enforced as if it was an award of fence-viewers. R.S.O. 1927, c. 315, s. 14. Enforcement of agreements.

**15.**—(1) The owner of the whole or part of a line fence which forms part of the fence enclosing the occupied or improved land of another person shall not take down or remove any part of such fence, Certain fences removable on notice.

- (a) without giving at least six months' previous notice of his intention to the owner or occupant of such adjacent enclosure unless such last mentioned owner or occupant, after demand made upon him in writing by the owner of such fence, refuses to pay therefor the sum determined as provided by section 6; or
- (b) if such owner or occupant will pay to the owner of such fence or part thereof such sum as the fence-viewers may award to be paid therefor under section 6.

Other provisions of Act to apply.

(2) The provisions of this Act for determining disputes between the owners of adjoining occupied lands, the manner of enforcing awards and appeals therefrom and the forms and all other provisions of this Act, so far as applicable, shall apply to proceedings under this section. R.S.O. 1927, c. 315, s. 15.

Where tree thrown down across a line fence.

**16.**—(1) If any tree is thrown down by accident or otherwise across a line fence, or in any way in and upon the land adjoining that upon which such tree stood, causing damage to the crop upon such land or to such fence, the owner or occupant of the land on which such tree stood shall remove the same forthwith, and also forthwith repair the fence and otherwise make good any damage caused by the falling of the tree.

When injured party may remove tree.

(2) On his neglect or refusal so to do for forty-eight hours after notice in writing to remove the tree the injured person may remove the same in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree from the person liable to pay it.

Right of entry.

(3) For the purpose of such removal the owner of the tree may enter into and upon such adjoining land doing no unnecessary spoil or waste.

Fence-viewers to decide disputes.

(4) All questions arising under this section shall be adjusted by three fence-viewers of the municipality, the decision of any two of whom shall be binding upon the parties. R.S.O. 1927, c. 315, s. 16.

(NOTE.—*For the powers of municipalities to pass by-laws regulating division fences, see The Municipal Act, Rev. Stat. c. 266, s. 405, par. 28.*)

FORM 1.

(Section 3.)

NOTICE TO OPPOSITE PARTY.

Take notice, that Mr. \_\_\_\_\_, Mr. \_\_\_\_\_, and  
Mr. \_\_\_\_\_, three fence-viewers of this locality, will attend  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the  
hour of \_\_\_\_\_, to view and arbitrate upon the line fence  
in dispute between our lands, being lots (or parts of lots) *one* and  
*two* in the \_\_\_\_\_ concession of the township of \_\_\_\_\_ in  
the county of \_\_\_\_\_  
Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
\_\_\_\_\_ A.B.,  
Owner of lot 1.  
To C.D.,  
Owner of lot 2.

R.S.O. 1927, c. 315, Form 1.

FORM 2.

(Section 3.)

NOTICE TO FENCE-VIEWERS.

Take notice that I require you to attend at \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_  
o'clock a.m., to view and arbitrate on the line fence between my  
land and that of Mr. \_\_\_\_\_, being lots (or parts of  
lots) Nos. *one* and *two* in the \_\_\_\_\_ concession of the town-  
ship of \_\_\_\_\_ in the county of \_\_\_\_\_  
Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
\_\_\_\_\_ A.B.,  
Owner of lot 1.  
To \_\_\_\_\_  
Fence-viewers.

R.S.O. 1927, c. 315, Form 2.

## FORM 3.

(Section 6.)

## AWARD.

We, the fence-viewers of \_\_\_\_\_ (*name of the locality*), having been nominated to view and arbitrate upon the line fence between \_\_\_\_\_ of (*name and description of owner who notified*) and (*name and description of owner notified*), which fence is to be made and maintained between (*describe land*), and having examined the land and duly acted according to *The Line Fences Act*, award as follows: That part of the line which commences at \_\_\_\_\_ and ends at (*describe the points*) shall be fenced, and the fence maintained by \_\_\_\_\_ and that part thereof which commences at \_\_\_\_\_ and ends at \_\_\_\_\_ (*describe the points*) shall be fenced, and the fence maintained by \_\_\_\_\_. The fence shall be of the following description (*state the kind of fence, height, material, etc.*), and shall cost at least \_\_\_\_\_ per rod. The work shall be commenced within \_\_\_\_\_ days, and completed within \_\_\_\_\_ days from this date, and the costs shall be paid by (*state by whom to be paid; if by both, in what proportion*).

Dated the \_\_\_\_\_

day of \_\_\_\_\_

, 19 \_\_\_\_\_

(Signatures of fence-viewers.)

Witnesses :

R.S.O. 1927, c. 315, Form 3.

## FORM 4.

(Section 14.)

## AGREEMENT.

We \_\_\_\_\_ and \_\_\_\_\_ owners respectively of lots (*or parts of lots*) *one* and *two* in the \_\_\_\_\_ concession of the township of \_\_\_\_\_, in the county of \_\_\_\_\_, do agree that the line fence which divides our lands shall be made and maintained by us as follows: (*follow the same form as award.*)

Dated the \_\_\_\_\_

day of \_\_\_\_\_

, 19 \_\_\_\_\_

Witnesses :

(Signatures of Parties.)

R.S.O. 1927, c. 315, Form 4.



## CHAPTER 350.

### The Ditches and Watercourses Act.

**1.** This Act shall not affect the Acts relating to municipal or government drainage work. R.S.O. 1927, c. 316, s. 1. Certain Acts not affected.

**2.** In this Act,

Interpretation.

- (a) "Clear days" shall mean exclusive of the first and last days of any number of days prescribed; "Clear days."
- (b) "County" shall include district; "County."
- (c) "County court" shall include district court; "County court."
- (d) "Construction" shall mean the original opening or making of a ditch by artificial means; "Construction."
- (e) "Ditch" shall mean and include a drain opened or covered wholly or in part, and whether or not in the channel of a natural stream, creek or watercourse, and also the work and material necessary for bridges, culverts, catch-basins, and guards; "Ditch."
- (f) "Engineer" shall mean the person, or firm of persons, appointed by the municipal council as engineer to carry out the provisions of this Act, and any member of the firm may act as engineer provided his name is included in the by-law appointing the engineer; "Engineer."
- (g) "Judge" shall mean the senior, junior, or acting judge of the county court of the county in which the lands in respect of which the proceedings under this Act are taken are situate; "Judge."
- (h) "Maintenance" shall mean and include the preservation of a ditch and keeping it in repair; "Maintenance."
- (i) "Non-resident" shall mean a person who does not reside within the municipality in which his land, affected by proceedings under this Act, is situate; "Non-resident."
- (j) "Owner" or "owners" shall mean and include the owner or possessor of any real or substantial interest in land, whether held in fee simple, fee tail, for one or more life or lives or for a term of years not less than ten, a lessee for a term of not less than five years with an option to purchase, the personal representa-

tive of a deceased owner, the committee of a mentally incompetant owner, the guardian of an infant owner, any person entitled to sell and convey the land, an agent under a general power of attorney authorizing the appointee to manage and lease the land, and a municipal corporation as regards any highway or other land under its jurisdiction. R.S.O. 1927, c. 316, s. 2.

Drainage of  
lands for  
mining or  
manufac-  
turing pur-  
poses.

**3.—**(1) This Act shall apply to the drainage, amongst other land, of land for mining or manufacturing purposes, so as to enable the owner thereof to take proceedings thereunder, but in such case the engineer, in default of agreement, shall determine whether the land or other owners through which the ditch may pass shall be called upon to contribute to the construction of the ditch, and whether and to what extent such land may require drainage or will be benefited thereby.

Where lands  
of other  
owners not  
benefited.

(2) Where the engineer finds that the land of such other owners does not require drainage and that the ditch will not substantially benefit such land, he shall determine what compensation the owner of the land used for mining or manufacturing purposes shall make for any injury caused to such other owners by reason of the ditch passing through their land, but if such land will be substantially benefited by such drainage, he shall determine the extent of such benefit and shall deduct the same from the amount of compensation so to be made, or shall take the proceedings provided for by subsection 3 of section 15, as the case may require. R.S.O. 1927, c. 316, s. 3.

Where  
benefited.

Appoint-  
ment of  
engineer.

**4.—**(1) The council of every local municipality shall by by-law (Form 1) appoint a civil engineer, Ontario land surveyor or other competent person to be the engineer to carry out the provisions of this Act; and he shall be and continue an officer of the corporation until another engineer is appointed in his stead who may continue any work already undertaken, and in case another engineer is appointed the clerk of the municipality forthwith thereafter shall give notice of such appointment to the former engineer.

Fees of  
clerk and  
engineer.

(2) The council shall also, by by-law, provide for the payment to the clerk of the municipality of a reasonable remuneration for services performed by him in carrying out the provisions of this Act, and shall also by by-law fix the charges to be made by the engineer for services performed by him under this Act.

Oath of  
engineer.

(3) Every engineer before entering upon his duties shall take and subscribe the following oath and shall file the same with the clerk of the municipality:

In the matter of *The Ditches and Watercourses Act*.

I (name in full) of the \_\_\_\_\_ of \_\_\_\_\_ in the county  
(or district) of \_\_\_\_\_, engineer (or surveyor or as the case may  
be), make oath and say, (or do solemnly declare and affirm), that I will  
to the best of my skill, knowledge, judgment and ability, honestly and  
faithfully and without fear of, favour to, or prejudice against, any owner  
or owners perform the duties from time to time assigned to me in con-  
nection with any work under *The Ditches and Watercourses Act*, and  
make a true and just award thereon.  
Sworn (or affirmed)  
before me at \_\_\_\_\_ of \_\_\_\_\_  
in the \_\_\_\_\_ of \_\_\_\_\_ this  
day of \_\_\_\_\_, 19 \_\_\_\_\_.

A Commissioner, etc. (or Township Clerk, or J.P.).

R.S.O. 1927, c. 316, s. 4.

**5.**—(1) Every ditch constructed under this Act shall be <sup>Limit of</sup> continued to a sufficient outlet, but shall not pass through or <sup>work.</sup> into more than seven original township lots, exclusive of any part of the ditch on or across a road allowance, unless the council of any municipality, upon the petition of a majority of the owners of all the land to be affected by the ditch, passes a resolution authorizing the extension thereof through or into any other lots within such municipality, or any adjoining municipality, and upon the passing of such resolution the proposed ditch may, subject to subsection 2, be extended in pursuance of such resolution.

(2) No ditch, the whole cost of which, according to the <sup>Limit of</sup> estimate of the engineer or the agreement of the parties, will <sup>cost.</sup> exceed \$2,500, shall be constructed under the provisions of this Act. R.S.O. 1927, c. 316, s. 5; 1934, c. 11, s. 2.

**6.** The land, the owners of which may be made liable for <sup>Limit of</sup> the construction of a ditch under this Act, shall be that lying <sup>area to be</sup> within one hundred and fifty rods from the sides and point <sup>assessed.</sup> of commencement of the ditch. R.S.O. 1927, c. 316, s. 6.

**7.**—(1) The owner of land who requires the construction <sup>Notice to</sup> of a ditch thereon, before filing with the clerk of the munic- <sup>other</sup> ipality the requisition provided for by section 12 shall serve <sup>owners</sup> upon the owners or occupants of the other land to be affected a notice in writing (Form 2), signed by him and naming a <sup>affected.</sup> day and hour and also a place convenient to the site of the ditch, at which all the owners are to meet and estimate the cost of the ditch, and agree, if possible, upon the apportion- ment of the work and supply of material for construction, among the several owners, according to their respective in- terests therein, and settle the proportions in which the ditch shall be maintained.

Service of  
notice.

(2) The notices shall be served not less than twelve clear days before the time named therein for meeting.

Application  
to set aside  
proceedings  
where re-  
quisitioner  
is not  
owner.

(3) The owner or occupant of any land to be affected who has been served with the notice mentioned in subsection 1 may within five clear days after service of the notice upon him apply to the judge to set aside the proceedings on the ground that the person who commenced them is not an owner within the meaning of this Act.

Presump-  
tion of  
ownership,  
when con-  
clusive.

(4) If such application is not made, or, if made, is unsuccessful, the right of the person who commenced the proceedings to do so shall not thereafter be open to question, but shall be conclusively presumed. R.S.O. 1927, c. 316, s. 7.

Form of  
agreement,  
filing.

**8.** If an agreement is arrived at by the owners, it shall be reduced to writing (Form 3) and signed by all the owners, and shall within six days after the signing thereof be filed with the clerk of the municipality in which the land, the owner of which requires the ditch, is situate, but if the lands affected lie in two or more municipalities, the agreement shall be in as many parts as there are municipalities, and one part shall be filed with the clerk of each municipality, and the agreement may be enforced in the same manner as an award of the engineer as hereinafter provided. R.S.O. 1927, c. 316, s. 8.

Informali-  
ties not to  
invalidate  
proceed-  
ings.

**9.** Want of strict compliance with the provisions of sections 7 and 8 shall not avoid any proceedings taken or agreement made and entered into thereunder, or invalidate any subsequent proceedings taken thereunder, provided such notices have been duly served and the apportionment of the work and supply of material for construction among the several owners, and settlement of the proportions in which the ditch shall be maintained is set forth in the agreement, and any such agreement may be amended so as to conform to this Act, with the consent in writing of the parties thereto, filed in the same manner as the agreement, or by order of the judge on an appeal under this Act. R.S.O. 1927, c. 316, s. 9; 1936, c. 16, s. 2.

Adjourn-  
ing meeting  
for purpose  
of adding  
parties.

**10.** If at the meeting of owners it appears that the notice required by section 7 has not been duly served, the owners present at such meeting may adjourn the meeting to some subsequent day to enable the necessary notices to be served and such adjourned meeting shall, if such notices have been served, be a sufficient compliance with this Act. R.S.O. 1927, c. 316, s. 10.

Signature  
on behalf of  
municipi-  
pality.

**11.** The head of the council of any municipality may sign the agreement and his signature shall be binding upon the corporation. R.S.O. 1927, c. 316, s. 11.



**12.** If an agreement is not arrived at by the owners at the meeting, or within five days thereafter, the owner requiring the ditch may file with the clerk of the municipality in which his land is situate a requisition (Form 4) naming therein all the several parcels of land that will be affected by the ditch and the respective owners thereof, and requesting that the engineer appoint a time and place in the locality of the proposed ditch, at which he will attend, to make an examination as hereinafter provided. R.S.O. 1927, c. 316, s. 12.

Requisition for appointment by engineer when no agreement arrived at.

**13.—**(1) The clerk, upon receiving the requisition, shall forthwith transmit a copy of it by registered post to the engineer.

Notice to engineer.

(2) Upon the receipt of the same by the engineer, he shall give to the clerk not less than ten clear days' notice in writing by registered letter addressed to him at his last known address of the time when and the place where he will attend in answer to the requisition.

Notifying clerk of appointment made by engineer.

(3) On the receipt of such notice of the appointment from the engineer, the clerk shall file the same with the requisition, and shall forthwith send, by registered post, a copy of the notice of appointment to the owner making the requisition, who shall, at least four clear days before the time so appointed, serve upon the other owners named in the requisition a notice (Form 5) requiring their attendance at the time and place fixed by the engineer, and shall, after serving such notice, indorse on one copy thereof the time and manner of service and leave the same with the engineer not later than the day before that fixed in the notice of appointment. R.S.O. 1927, c. 316, s. 13.

Notice to all parties.

**14.—**(1) Notices shall be served personally or by leaving the same at the usual place of abode of the owner or occupant with a grown-up person residing there, and in case of non-residents, upon the agent of the owner or by registered post addressed to the owner at the post office nearest to his last known place of residence, and where his place of residence is not known, the notice may be served in such manner as the judge may direct.

Mode of serving notices.

(2) An occupant, not the owner of the land, notified in the manner provided by this Act, shall immediately notify the owner thereof, and shall, if he neglects to do so, be liable for all damages suffered by such owner by reason of such neglect. R.S.O. 1927, c. 316, s. 14.

Occupant to notify owner.

**15.—**(1) The engineer shall attend at the time and place appointed by him and shall examine the locality, and if he

Examination by engineer.

deems it proper, or if requested by any of the owners, may examine the owners and their witnesses present and take their evidence, and may administer an oath to any owner or witness examined by him.

Adjourn-  
ment to  
serve other  
owners.

(2) If upon examining the locality, the engineer is of opinion that the land of owners upon whom notice has not been served will be affected by the ditch, he shall adjourn the proceedings to a day named, and direct a notice of the adjourned meeting similar to that required by section 13 to be served on such owners by the owner making the requisition for the purpose of allowing such owners to be present and to be heard upon the examination and taking of evidence.

Further  
proceed-  
ings by  
engineer  
making  
award.

(3) The engineer may adjourn his examination and the hearing of evidence from time to time and if he finds that the ditch is required he shall, within sixty days after his first attendance, make his award in writing (Form 6) specifying clearly the location, description and course of the ditch, its commencement and termination, apportioning the work and the furnishing of material among the lands affected and the owners thereof, according to his estimate of their respective interests in the ditch, fixing the time for performance by the respective owners, apportioning the maintenance of the ditch among all or any of the owners so that as far as practicable each owner shall maintain the portion on his own land, and stating the amount of his fees and the other charges and by whom the same shall be paid.

Certificate  
of engineer  
as to fees.

(4) If the engineer finds that the ditch is not required or is impracticable or cannot be constructed under the provisions of this Act, or if the owner filing the requisition neglects or refuses to serve notices as directed by the engineer under subsection 2, the engineer shall certify in writing to the clerk the amount of his fees and the other charges and by whom the same shall be paid.

Time for  
making  
award not  
to include  
certain  
periods.

(5) The period prescribed for the engineer to make his award shall be exclusive of the time required to obtain the approval of the works or the specifications or plans thereof by the Ontario Municipal Board or the Board of Railway Commissioners for Canada, where such approval is necessary.

Specifying  
material for  
covering  
ditch.

(6) Where a ditch or any part thereof is to be covered, the engineer shall in his award specify the kind of material to be used in the covered part.

Powers of  
engineer.

(7) The engineer and his assistants, when engaged in the performance of their duties under this Act during or after the examination of the locality, may pass over, measure along, ascertain the bearings of any line, plant stakes, take levels and

do such other work as he shall deem necessary for the performance of the said work on the land of any person, doing no unnecessary damage thereto, without being guilty of trespass or otherwise incurring liability. R.S.O. 1927, c. 316, s. 15 (1-7).

(8) The engineer in making his survey shall establish sufficient bench marks or permanent levels by which a ditch may be governed, and shall also in his award, sufficiently record the descriptions, locations and elevations of every bench mark or permanent level by which a ditch is to be governed, and whether such bench marks or permanent levels were established by him or by some other engineer. 1931, c. 67, s. 2 (1).

Engineer to establish bench marks and refer thereto in his award.

(9) Any person who interferes with or obstructs the engineer or his assistants in the exercise of the powers conferred by subsection 7 or interferes with, removes or destroys any bench mark or permanent level mark established under subsection 8 shall incur a penalty not exceeding \$100 recoverable under *The Summary Convictions Act*. 1931, c. 67, s. 2 (2).

Penalty for interference with work or bench marks of engineer.

Rev. Stat., c. 136.

**16.** Where rock cutting or blasting is necessary, if the engineer is of opinion that it can be done more conveniently or less expensively by letting the work by tender or otherwise by public competition than if it were done by the owners, he may by his award direct that it be so let, and in that case he shall by the award fix and determine the part or proportion of the cost of the work which each of the owners is to pay. R.S.O. 1927, c. 316, s. 16.

Rock cutting or blasting.

**17.** If the engineer is of the opinion that the land of any owner will not be sufficiently affected by the construction of the ditch to make him liable to perform any part thereof, and that it is or is not necessary, as the case may be, to construct the ditch across or into his land, he may, by his award, relieve such owner from performing any part of the work of the ditch and may place its construction on the other owners, and any person carrying out the provisions of the award upon the land of the owner so relieved shall not be a trespasser if he causes no unnecessary damage, and he shall replace any fences opened or removed by him. R.S.O. 1927, c. 316, s. 17.

Engineer may relieve person not benefited.

Power to perform work.

**18.—(1)** The award and any plan, profile, and specifications of the ditch shall be in as many parts as there are municipalities in which land affected by the award is situate.

Award plan, etc.

(2) The engineer forthwith, after making the award, shall file one part thereof and of any plan, profile or specifications with the clerk of each of the municipalities, and the same may

Filing award, etc

be given in evidence in any legal proceedings by a copy certified by the clerk.

Notice to  
persons  
affected.

(3) The clerk, upon the filing of the award, shall notify each of the persons affected thereby within the municipality of which he is clerk, by registered letter or personal service, of the filing of the same, and the part of the work to be done and material to be furnished by the persons so notified as shown by the award, and shall keep a book in which he shall record the names of the persons to whom he sent notices, the addresses to which the same were sent, and the date upon which the same were deposited in the post office or personally served. R.S.O. 1927, c. 316, s. 18.

Powers of  
engineer  
of munici-  
pality in  
which pro-  
ceedings  
com-  
menced.

**19.** If the land affected by the ditch is situate in two or more municipalities, the engineer of the municipality in which proceedings were commenced may continue the ditch into or through so much of the land in any other municipality as may be found necessary, but within the limit of length hereinbefore provided, and all proceedings authorized by this Act shall be taken and carried on in the municipality in which the proceedings were commenced. R.S.O. 1927, c. 316, s. 19.

Appeals  
from award  
to county  
judge.

**20.**—(1) Any owner affected by the award, within fifteen clear days from the date of the mailing or service of the last of the notices of the filing of the award, may appeal therefrom to the judge.

Notice of  
appeal.

(2) The appellant shall serve upon the clerk of the municipality in which the proceedings were commenced a notice in writing of his intention to appeal, shortly setting forth the grounds of appeal.

Clerk to  
notify judge  
and judge to  
fix time and  
place for  
hearing.

(3) The clerk, after the expiration of the time for appeal, shall transmit by registered post or deliver a copy of the notice or notices of appeal and a certified copy of the award and the plans and specifications to the judge, who shall forthwith, upon the receipt thereof, notify the clerk of the time he appoints for the hearing of the appeal, and shall fix the place of hearing at the town hall or other place of meeting of the council of the municipality in which the proceedings were commenced, unless, for greater convenience and to save expense, he fixes some other place.

Indemnity  
against  
costs of  
appeal.

(4) The judge may order such sum to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal.

Notice to  
engineer  
and all  
parties.

(5) The clerk upon receiving notice from the judge shall forthwith notify the engineer and all parties interested in the manner provided for the service of notices.



(6) An appellant may have the land inspected by any other engineer or person who, for such purposes, may enter upon the land, but shall do no unnecessary damage.

Inspection of premises by another engineer.

(7) The clerk to whom notice of appeal is given shall be the clerk of the court and shall record the proceedings.

Clerk of the court.

(8) It shall be the duty of the judge to hear and determine all the appeals within two months after receiving notice thereof from the clerk, or within such further period as, on hearing the parties, he may deem necessary, as provided by subsection 9, but no proceedings under this Act shall be rendered invalid by the failure of the judge to hear and determine the appeal within such period.

Judge to hear and determine within two months.

(9) The judge may examine parties and witnesses on oath and may inspect the land and may require the engineer to accompany him, and may alter or affirm the award and correct any errors therein.

Powers of judge on appeal.

(10) If the award is affirmed or altered, the costs of the appeal shall be in the discretion of the judge, but, if set aside, he may order payment of the costs mentioned in the award, and the costs of appeal by the parties to the award, or any of them, as to him may seem just, and may fix the amount of such costs.

Costs of appeal.

(11) If the judge finds that the engineer has knowingly and wilfully favoured any one or more of the parties to the proceedings, or has neglected his duty, he may direct that the engineer be deprived of all fees in respect to the award, or of such part thereof as the judge may deem proper, but this shall not deprive any party to the proceedings of any remedy he may otherwise have against the engineer.

Depriving engineer of fees when guilty of misconduct.

(12) The judge shall be entitled to \$5 a day and necessary travelling expenses for holding a court for the trial of appeals, including the inspection of the land, which charge shall be part of the costs of the appeal.

Fees and disbursements of judge.

(13) The order of the judge shall be filed with the clerk, and the award as altered or affirmed, and the order of the judge as to costs, may be enforced in the same manner as the award of the engineer, and the time for the performance of the award shall be computed from the date of the judgment on the appeal.

Enforcement of award as amended.

(14) The clerk shall immediately after the hearing send by registered post to the clerk of any other municipality in which land affected by the ditch is situate a certified copy of the changes, if any, made in the award by the judge which shall be filed with the award, and each clerk shall forthwith, by registered letter, notify every owner within his municipality of

Notice to other clerks and owners.

any change made in the work and material assigned to such owner.

Notice of  
setting  
aside.

(15) If the award is set aside, the clerk shall forthwith notify the fact to the clerk of every other municipality in which land affected by the award is situate. R.S.O. 1927, c. 316, s. 20.

Judge may  
amend or  
refer back  
award.

**21.** No award shall be set aside for want of form only or for want of strict compliance with the provisions of this Act, and the judge, instead of setting aside the award, may amend it or the other proceedings or may refer back the award to the engineer, with such directions as the judge may deem necessary. R.S.O. 1927, c. 316, s. 21.

When award  
to be bind-  
ing notwith-  
standing  
defects.

**22.** An award shall, after the time limited for an appeal to the judge and after the determination of appeals, if any, by him where the award is affirmed, be valid and binding, to all intents and purposes, notwithstanding any defect in form or substance either in the award or in any of the proceedings prior to the making of the award. R.S.O. 1927, c. 316, s. 22.

Powers of  
judge as to  
taking  
evidence.

**23.** On an appeal from an award, the judge shall possess all such powers for compelling the attendance of and for the examination on oath of all parties and other persons that belong to or might be exercised by him in the county court. R.S.O. 1927, c. 316, s. 23.

Clerk may  
issue sum-  
mons to  
witness.

**24.**—(1) Upon an appeal, the clerk shall issue summonses to witnesses, upon the application of any party to the proceedings, or upon an order of the judge for the attendance of any person as a witness before him.

Effect of  
summons.

(2) The summons shall have the same force and effect as a subpoena issued out of the county court.

Witness  
fees.

(3) The fees to be allowed to witnesses shall be upon the scale of fees allowed to witnesses in an action in the division court. R.S.O. 1927, c. 316, s. 24.

Payment  
of costs by  
municipi-  
pality.

**25.**—(1) Subject to the provisions of section 26, the corporation of the municipality in which the proceedings were commenced shall within ten days after the time for appealing or after the determination of the appeals, as the case may be, pay to the engineer and to the judge and all other persons the fees, charges and costs awarded or adjudged to be paid to them, and as respects the portion thereof payable by the owners of land situate within the municipality the same shall be forthwith repaid by such owners to the treasurer of the municipality.

(2) If default is made by any owner in repaying the amount for which he is liable, the same, with seven per centum added thereto, shall form a charge on his land and may be collected in like manner as municipal taxes, and the council shall cause the same to be placed on the collector's roll and to be so collected.

Charge of same on land of owner.

(3) Where the land affected by the award is situate within two or more municipalities, the corporation of each of the other municipalities shall forthwith, after notice in writing, repay to the corporation of the municipality in which the proceedings were commenced the sums for which the owners of land within its limits are liable, and the provisions of subsection 2 shall apply in respect of the sums so repaid. R.S.O. 1927, c. 316, s. 25.

Where lands are in more than one municipality.

**26.** Where the award provides for rock cutting or blasting, the engineer shall let such work by tender or otherwise by public competition, and upon completion of it shall certify (Form 7) to the clerk of the municipality in which the proceedings were commenced the cost thereof, including his fees and the expenses, and the like proceedings shall be had and the like duties be performed in respect thereof as are provided for by sections 18 and 25, which shall apply *mutatis mutandis*. R.S.O. 1927, c. 316, s. 26.

Letting rock cutting or blasting by tender.

**27.**—(1) At the expiration of the time limited by the award for the completion of the ditch, the engineer shall inspect the same, and if he finds the ditch or any part thereof not completed in accordance with the award, he may let the work and supply of material to the lowest bidder, who shall furnish security to the corporation, to be approved by the engineer, for the due performance thereof within a time to be fixed by the engineer, but the letting shall not take place,—

Letting work on non-compliance with award.

- (a) until notice in writing of the intended letting has been posted up for four clear days in at least three conspicuous places in the neighbourhood of the place at which the work is to be done; and
- (b) until after four days from the sending of copies of the notice by registered post to the last known addresses of the persons interested in the award who do not reside in the municipality or municipalities, as the case may be.

(2) If the engineer is satisfied of the good faith of any person failing in the performance of the award, and there is good reason for the non-performance thereof, he may, in his discretion, and upon payment of his fees and charges, extend the time for performance.

Extension of time for compliance.

Liability of person in default of doing work after proceedings begun.

(3) Any owner in default who, after proceedings are begun to let the same, supplies the material and does the work, shall be liable for the fees and expenses occasioned by his default, and the same shall form a charge on his land, and, if not paid by him after notice, the council shall pay the same on the certificate of the engineer, and shall cause the amount, with seven per centum added thereto, to be placed on the collector's roll against the land of the person in default, to be collected in the same manner as municipal taxes.

Power to re-let.

(4) The engineer may let the work and supply of material directed by the agreement or award, or any part thereof, a second time or oftener if it becomes necessary in order to secure its performance and completion. R.S.O. 1927, c. 316, s. 27.

Certificates of engineer upon completion of work let.

**28.**—(1) The engineer, within ten days after receipt of notice in writing of the supplying of material and completion of the work let, as in section 27 mentioned, shall inspect the same, and if he finds the material furnished and the work completed, shall certify the same in writing (Form 8) to the clerk of the municipality by which he was appointed.

Where lands affected in more municipalities than one.

(2) Where lands situate within two or more municipalities are affected by the certificate of the engineer, the certificate shall be in as many parts as there are municipalities and one of such parts shall be transmitted by the engineer to the clerk of each of them.

Costs, fees and charges.

(3) The provisions of section 25 shall apply to the amount payable to the contractor and the fees and charges of the engineer as so certified. R.S.O. 1927, c. 316, s. 28.

Use of ditch for other purposes.

**29.** If an owner during or after the construction of a ditch desires to avail himself thereof for the purpose of draining land other than that contemplated by the original proceedings, he may avail himself of the provisions of this Act as if he were an owner requiring the construction of a ditch, but no owner shall make use of a ditch after construction unless under an agreement or award pursuant to the provisions of this Act. R.S.O. 1927, c. 316, s. 29.

Application of Act.

**30.** This Act shall apply to the deepening, widening, covering, improving or extending of any ditch already or hereafter constructed and to the construction of a tile drain under or adjoining an open ditch as ancillary thereto. R.S.O. 1927, c. 316, s. 30.



**31.** A ditch, whether covered or open, constructed, or any creek or watercourse that has been deepened or widened, under the provisions of any former Act respecting ditches and watercourses, or constructed, deepened, widened or covered under this Act, shall be maintained by the respective owners in such proportion as is provided in the original or any subsequent agreement or award, and the manner of enforcing the same shall be as hereinafter provided. R.S.O. 1927, c. 316, s. 31.

Maintenance of ditches heretofore or hereafter constructed.

**32.—**(1) If an owner whose duty it is to maintain any portion of a ditch neglects to maintain the same in the manner provided by the agreement or award, any of the owners, parties to the agreement or award, whose land is affected by the ditch, may, in writing, notify the owner making default, to have his portion put in repair within thirty days from the receipt of such notice, and if the repairs are not made and completed within such thirty days, the owner giving the notice may notify the engineer in writing to inspect the portion complained of.

Enforcing maintenance.

Notice to repair.

(2) The inspection of the engineer and the proceedings for doing and completing the repairs required and enforcing payment of costs, fees and charges shall be as provided in the case of the non-completion of the construction of a ditch, but if the engineer finds that there is no cause for complaint, he shall so certify, with the amount of his fees and charges, to the owner who complained and also to the clerk of the municipality, and such owner shall pay the fees and charges of the engineer, and if not forthwith paid, the same shall be charged and collected in the same manner as is provided for in the case of other certificates of the engineer. R.S.O. 1927, c. 316, s. 32.

Proceedings thereon.

If no cause of complaint found.

**33.** An owner interested in or affected by a ditch heretofore or hereafter constructed which has not been constructed under any of the Acts referred to in section 31 or under this Act, or under any Act relating to the construction of drainage work by local assessment, may take proceedings for the deepening, widening, extending, covering or repairing of such ditch in the same manner as for the construction of a ditch under this Act, but the extent of the work, the cost thereof and the assessment therefor shall not exceed the limitations imposed by sections 5 and 6. R.S.O. 1927, c. 316, s. 33.

Proceedings for deepening, etc., by owner or person interested.

**34.—**(1) Subject to the provisions of subsection 2, an owner, party to the agreement or award, whose land is affected by a ditch, whether constructed under this Act or any other Act respecting ditches and watercourses, at any time after the expiration of two years, or in the case of a covered drain of one

Reconsideration of agreement or award.

year from the completion thereof, may take proceedings for the reconsideration of the agreement or award under which it was constructed and the proceedings shall be the same as are hereinbefore provided in the case of the construction of a ditch.

Where ditch after construction proves insufficient.

(2) If a ditch, after its construction, proves insufficient for the purposes for which it was constructed so as to cause an overflow of water upon any land along the ditch and damage to the same, any owner, party to the agreement or award, may at any time after the expiration of six months from the completion of the ditch take proceedings for the reconsideration of the agreement or award under which such ditch was constructed for the purpose of remedying the defect in that particular respect. R.S.O. 1927, c. 316, s. 34.

Penalty for engineer failing to inspect.  
Rev. Stat., c. 136.

**35.** An engineer who wilfully neglects to make any inspection provided for by this Act for thirty days after he has received written notice to inspect, shall incur a penalty of not less than \$5 and not more than \$10, recoverable under *The Summary Convictions Act*, and every such penalty, when recovered, shall be paid over to the treasurer of the municipality in which the inspection should have been made. R.S.O. 1927, c. 316, s. 35.

Actions for mandamus, etc., not to lie.

**36.** No action, suit or other proceeding shall lie or be taken for a mandamus or other order to enforce or compel the performance of an agreement or award or the completion of a ditch, but the same shall be enforced in the manner provided for in this Act. R.S.O. 1927, c. 316, s. 36.

Forms to be supplied by municipality.

**37.** It shall be the duty of the council of every municipality to keep printed copies of all the forms required by this Act. R.S.O. 1927, c. 316, s. 37.

#### APPEAL.

Appeals to referee.

**38.**—(1) Any owner affected by an award under this Act may appeal from the judgment of the judge to the referee appointed under the drainage laws of Ontario, whose judgment shall be final and conclusive, but no such appeal shall lie unless and until leave shall have been given by the referee upon an application made to him within fifteen days from the date of the judgment.

Application of Rev. Stat., c. 278.

(2) For the purpose of giving or refusing leave to appeal or hearing and disposing of an appeal after leave given, the referee shall have similar powers to those conferred upon him by *The Municipal Drainage Act*, and the rules of prac-

tice under that Act shall apply so far as applicable to appeals to the referee under this Act, and upon leave to appeal being given, proceedings upon the award or upon the judgment of the judge shall be stayed unless otherwise ordered by the referee. R.S.O. 1927, c. 316, s. 38.

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FORM 1.

(Section 4 (1)).

BY-LAW FOR APPOINTMENT OF ENGINEER.

A by-law for the appointment of an engineer under *The Ditches and Watercourses Act*.

Finally passed \_\_\_\_\_, 19 \_\_\_\_  
The municipal council of the \_\_\_\_\_ of \_\_\_\_\_ in the  
county (or district) of \_\_\_\_\_ enacts as follows:

1. Pursuant to the provisions of *The Ditches and Watercourses Act*, \_\_\_\_\_ (name of person) of the \_\_\_\_\_ of \_\_\_\_\_, in the \_\_\_\_\_ of \_\_\_\_\_, is appointed engineer for this municipality to carry out the provisions of the said Act.

2. The engineer shall be paid the following fees for services rendered under the Act (or as the case may be).

Reeve.

Clerk.

[L.S.]

R.S.O. 1927, c. 316, Form 1.

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FORM 2.

(Section 7 (1)).

NOTICE TO OWNERS OF LAND AFFECTED BY PROPOSED DITCH.

To  
Sir,

I am the owner of lot (*describing it*) and as such owner I require a ditch to be constructed under *The Ditches and Watercourses Act*, to drain it (or if for reconsideration of agreement or award or to deepen, widen, cover or otherwise improve the ditch, state the object). The following other land will be affected: (*here set out the other parcels of land, lot, concession or street and township or other local municipality, and the name of the owner in each case; also each road and the municipal corporation controlling it*).

I hereby request you, as owner of (*state his land*), to attend at (*state place of meeting*), on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, with the object of agreeing on the respective portions of the work and materials to be done and furnished by the several owners interested and the several portions of the ditch to be maintained by them.

Dated \_\_\_\_\_ day of \_\_\_\_\_,

19\_\_\_\_.  
Yours, etc.,  
(Name of Owner).

R.S.O. 1927, c. 316, Form 2.

## FORM 3.

(Section 8).

## AGREEMENT BY OWNERS.

Whereas it is found necessary that a ditch should be constructed (or deepened, or widened, or otherwise improved) under the provisions of *The Ditches and Watercourses Act*, for the draining of the following land (and roads if any): (*here describe each parcel and give name of owner as in the notice, including the applicant's own land, stating lot, concession or street, and township or other local municipality, and also roads and by whom controlled.*)

Therefore we the owners within the meaning of the said Act of the said (and if roads and the reeve of the said municipality on behalf of the council thereof) do agree each with the other as follows: That a ditch be constructed (or as the case may be) and we do hereby estimate the cost thereof at the sum of \$ , and the ditch shall be of the following description: (*here give point of commencement, course and termination, its depth, bottom and top width and other particulars as agreed upon, also any bridges, culverts or catch-basins, etc., required.*) I owner of (*describe his land*) agree to (*here give portion of work to be done, or material to be supplied*), and to complete the performance thereof on or before the day of , 19 , I, owner of, etc. (*as above, to the end of the ditch.*)

That the ditch when constructed shall be maintained as follows: I, , owner of (*describe his lands*) agree to maintain the portion of the ditch from (*fix the point of commencement*) to (*fix the point of termination of his portion*), I , owner of (*describe his land*) agree to maintain, etc., (*as above to the end of the ditch.*)

Dated day of , 19 .  
Signed in the presence of

(Signature of parties.)

R.S.O. 1927, c. 316, Form 3.

## FORM 4.

(Section 12).

## REQUISITION FOR EXAMINATION BY ENGINEER.

To (*name of clerk*),Clerk of  
(*P.O. address*).

Sir,—I am, within the meaning of *The Ditches and Watercourses Act*, the owner of lot (*describing it*) and I require the construction (or deepening, widening, covering or otherwise improving as the case may be), of a ditch under the provisions of the said Act, and the following land and roads will be affected: (*here describe each parcel to be affected as in the notice for the meeting to agree and state the name of the owner thereof*), and the said owners having met and failed to agree in regard to the same, I request that the engineer appointed by the municipality be requested to appoint a time and place at which he will attend and examine the premises, hear any evidence of the parties and their witnesses, and make his award.

Dated day of , 19 .

(Signature of the party or parties.)

R.S.O. 1927, c. 316, Form 4.



## FORM 5.

(Section 13 (3)).

## NOTICE OF APPOINTMENT FOR EXAMINATION BY ENGINEER.

To (*name of owner*).  
(*P.O. address*).

Sir,—You are hereby notified that the engineer appointed by the municipality for the purpose of *The Ditches and Watercourses Act*, has, in answer to my requisition, fixed the hour of o'clock in the                      noon of                      the                      day of                      , 19                      , to attend at (*name the place appointed*), and to examine the premises and site of the ditch required by me to be constructed (*or as the case may be*), under the provisions of the said Act, and you, as the owner of land affected, are required to attend with any witnesses that you may desire to have heard, at the said time and place.

Dated                      day of                      , 19                      .

Yours, etc.,

(*Signature of applicant.*)

R.S.O. 1927, c. 316, Form 5.

## FORM 6.

(Section 15 (3)).

## AWARD OF ENGINEER.

I,                      , the engineer appointed by the council of the municipality of the                      of                      in the county (*or district*) of                      , under the provisions of *The Ditches and Watercourses Act*, having been required so to do by the requisition of                      , owner of lot                      (*describe as in requisition*), filed with the clerk of the said municipality and representing that he requires certain work to be done under the provisions of the said Act for the draining of the said land, and that the following other land (*and roads*) will be affected:—(*here set out the other parcels of land or roads affected as in the requisition*), did attend at the time and place named in my notice in answer to said requisition, and having examined the locality (and the parties and their witnesses *if such be the case*) find that the ditch (*or the deepening, widening, covering or otherwise improving of a ditch*) is required. The location, description and course of the ditch, and its point of commencement and termination are as follows:

(*Here describe the ditch as to all above particulars.*)

The said works will affect the following land:—(*here set forth the other land and the respective owners.*) I do, therefore, award and apportion the work and the furnishing of material among the land affected and the owners thereof according to my estimate of their respective interests in the said works as follows:—

1. (*Name of owner and description of his land*) shall make and complete (*here fix the point of commencement and ending of his portion*) and shall furnish the material (*state what material*), all of which, according to my estimate, will amount in value to \$                      , and I fix the time for the completion of such work and providing such material on the                      day of                      , 19                      , at furthest.

2. (*Name of owner and description of his land, and so on as above to the end.*)

I do further award and apportion the maintenance of the ditch as follows:—

1. (*Name of owner and description of his land*) shall maintain (*here fix the points of commencement and ending of his portion.*)

2. (*Name of owner, etc., as above.*)  
(*When rock drilling or blasting is directed add particulars required by section 16.*)

The fees and the other charges attendant upon and for making this award are (*here give fees and other charges, including clerk's fees in detail*), amounting in all to \$ , which shall be borne and paid as follows:—(*state by whom and by what land respectively*).

Dated                      day of                      , 19 .  
Witness,

(*Signature of Engineer.*)

R.S.O. 1927, c. 316, Form 6.

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### FORM 7.

(*Section 26*).

#### CERTIFICATE OF ENGINEER.

To                      Clerk of the                      of

I hereby certify that the rock-cutting and blasting provided for by my award made under *The Ditches and Watercourses Act*, and dated the                      day of                      , 19 , was let to for the sum of \$ , and he has completed the work and is entitled to be paid that sum, and that my fees and charges (*stating items*) are \$ .

Dated                      day of                      , 19 .  
(*Signature of Engineer.*)

Engineer for

R.S.O. 1927, c. 316, Form 8.

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### FORM 8.

(*Section 28 (1)*).

#### CERTIFICATE OF ENGINEER.

To                      Clerk of the                      of

I hereby certify that                      has furnished the material and completed the work (*as the case may be*) which under my award made under *The Ditches and Watercourses Act*, and dated the                      day of                      , 19 , owner of lot number (*describe his land giving township or otherwise*),

was adjudged to perform, and having failed in the performance of the same it was subsequently let by me to the said  
for the sum of \$ , and he has now completed the performance thereof he is entitled to be paid the said amount.

I further certify that my fees and charges for my services rendered necessary by reason of such failure to perform are (*stating items*) \$ , and said amount payable to the said contractor and the said fees and charges are chargeable on (*describe property to be charged therewith*) under the said Act, unless forthwith paid.

Dated                      day of                      , 19 .

Witness,

(*Signature of Engineer.*)  
Engineer for

R.S.O. 1927, c. 316, Form 7.

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## II. INTERMENT OF THE DEAD.

### CHAPTER 351.

#### The Cemetery Act.

##### INTERPRETATION.

##### 1. In this Act,—

- |                |  |
|----------------|--|
| "Cemetery."    | (a) "Cemetery" shall mean and include any land which is set apart or used as a place for the interment of the dead or in which human bodies have been buried; R.S.O. 1927, c. 317, s. 1, cl. (a).                              |
| "Columbarium." | (b) "Columbarium" shall mean any structure designed for the purpose of storing the ashes of human remains which have been cremated;  |
| "Crematorium." | (c) "Crematorium" shall mean a building fitted with the proper appliances for the purpose of the incineration and cremation of human remains, and shall include everything incidental or ancillary thereto; 1932, c. 40, s. 2. |
| "Local board." | (d) "Local board" shall mean the local board of health of a municipality in which it is proposed to establish or in which there is a cemetery;   |
| "Owner."       | (e) "Owner" shall mean the person owning, controlling or managing a cemetery;  |
| "Regulations." | (f) "Regulations" shall mean regulations made by the Department of Health under the authority of this Act. R.S.O. 1927, c. 317, s. 1, cls. (b-d).  |

#### PART I.

#### PROVISIONS APPLICABLE TO ALL CEMETERIES.

##### ESTABLISHMENT AND ENLARGEMENT OF CEMETERIES.

- 2.** A cemetery shall not be established or enlarged until the approval of the Department of Health has been applied for and obtained in the manner hereinafter provided. R.S.O. 1927, c. 317, s. 2.



**3.** An application for such approval shall be made in writing to the local board, and the applicant shall submit therewith a detailed plan and description in duplicate of the land proposed to be acquired or used for cemetery purposes together with such other information as the regulations may require. R.S.O. 1927, c. 317, s. 3. Application and material.

**4.** The application and one of the duplicates of the plan and description of the land and all other material filed with the application shall be transmitted to the Department of Health together with a statement of the opinion of the local board thereon. R.S.O. 1927, c. 317, s. 4. Transmission to Department of Health.

**5.—(1)** The approval of the Department of Health shall be by order in writing signed by the chairman and secretary, and shall contain a sufficient description of the cemetery proposed to be established or of the land which is to be annexed to the existing cemetery. Approval

**(2)** The order may be registered in the proper registry or land titles office, and upon its registration the cemetery may be established or enlarged as the order may direct. R.S.O. 1927, c. 317, s. 5. Registration.

**6.** Any person who establishes a cemetery and uses it, or enlarges any cemetery, without the approval of the Department of Health shall incur a penalty of not less than \$100 nor more than \$500. R.S.O. 1927, c. 317, s. 6. Penalty for non-compliance.

**7.** The expenses of the Department of Health shall be paid by the applicant. R.S.O. 1927, c. 317, s. 7. Expenses of Department of Health.

#### POWERS OF BOARDS, COMMISSION AND OFFICERS.

**8.** The Department of Health may make regulations in the manner provided by *The Public Health Act* respecting cemeteries, and may impose penalties for the contravention thereof and such regulations may be general in their application or may upon the recommendation of any local board be varied as to any cemetery within its jurisdiction. R.S.O. 1927, c. 317, s. 8. Power to make regulations. Rev. Stat., c. 299.

**9.** The medical officer of health or sanitary inspector or any officer of the local board may at any time enter into and upon any cemetery within the limits of the municipality and examine and inquire into the condition of the cemetery and whether the provisions of this Act and of the regulations are observed. R.S.O. 1927, c. 317, s. 9. Powers of certain officers.

Cemetery  
commis-  
sion.

**10.**—(1) There shall be in every county and provisional judicial district a commission to be known as "The Cemetery Commission." 1931, c. 68, s. 2 (1), *part*.

Commis-  
sion,—  
composi-  
tion of in  
county  
and pro-  
visional  
judicial  
district.

(2) In the case of a county the commission shall consist of three members, one of whom shall be appointed by the Lieutenant-Governor in Council and the other two members, who may be members of the county council, shall be appointed annually by the county council at its first meeting, and in the case of a provisional judicial district the commission shall consist of the judge of the district, the sheriff and one other person to be named by the Lieutenant-Governor in Council. 1931, c. 68, s. 2 (1), *part*; 1933, c. 5, s. 2.

Chairman.

(3) The member appointed by the Lieutenant-Governor in Council shall be the chairman of the commission.

Duties of  
commis-  
sion.

(4) The commission shall be charged with the general supervision of cemeteries and burying grounds in the county or district.

Fees and  
expenses,—  
how  
payable.

(5) The commission shall be paid such fees as may be fixed from time to time by Order-in-Council and shall also be entitled while engaged in the performance of their duties to reasonable and necessary travelling and other expenses, and such fees and expenses shall be payable by the county or district treasurer upon the certificate of the chairman of the commission. 1931, c. 68, s. 2 (1), *part*.

Duties and  
powers.

(6) It shall be the duty of the commission and it shall have power,—

- (a) to visit and inspect cemeteries and when necessary for that purpose, to enter upon or pass over the lands of the owner or any other person;
- (b) to see that the provisions of this Act are observed by the owners of cemeteries and with the approval of the Department of Health to enforce their observance by prosecution for the penalties imposed by this Act;
- (c) to call for and collect such statistical and other information as the Department of Health may require, with regard to cemeteries and the care and management thereof;
- (d) to see that the affairs of any cemetery, or of any cemetery company or trust or other body of persons owning a cemetery are conducted with due regard to their contractual obligations to the lot owners and others interested in the cemetery, and for that purpose to have access to the books and accounts of any owner of a cemetery;

- (e) to report to the Department of Health from time to time, upon the enforcement and administration of this Act;
- (f) to see that every cemetery is properly fenced, kept clear of weeds and otherwise cared for in a proper manner and in accordance with this Act and the regulations;
- (g) to see that the provisions of this Act and the regulations with regard to burials and disinterments and the transportation of dead bodies are duly complied with, and to take proceedings against any person contravening any of such provisions;
- (h) to exercise, when so directed by the Lieutenant-Governor in Council, the powers which may be conferred upon a commissioner under *The Public Inquiries Act* for the purpose of investigating and reporting upon the conditions of any cemetery, and the conduct of its affairs or those of any corporation or trust or individual being the owner or in control of a cemetery. R.S.O. 1927, c. 317, s. 10 (2); 1931, c. 68, s. 2 (2). Rev. Stat., c. 19.

**11.** The Lieutenant-Governor in Council may appoint an officer of the Department of Health to examine and audit the books of account of any cemetery company whenever the Department certifies that it is in the interest of the lot owners that such examination should be made and it shall be the duty of the company to afford the officer so appointed access to such books of account for the purpose of examination and audit and such officer shall report the result of his findings to the Department. R.S.O. 1927, c. 317, s. 11; 1931, c. 68, s. 3. Appointment of auditor.

#### POWERS AND DUTIES OF OWNERS.

**12.** All lots or plots in a cemetery when numbered and conveyed as burial sites or lots shall be indivisible, but may afterwards be held and owned in undivided shares. R.S.O. 1927, c. 317, s. 12. Lots indivisible.

**13.** When a lot in a cemetery or a compartment in a mausoleum or columbarium has been sold for a burial site or for a deposit therein of human remains it shall not be necessary to register the conveyance nor shall such lot or compartment be affected by any judgment, execution, mortgage or incumbrance. 1936, c. 7, s. 2. Registration of conveyance not necessary.

Repurchasing lots.

**14.** The owner of a cemetery may repurchase any lot previously sold or conveyed or any part of such lot in which no interment has been made. R.S.O. 1927, c. 317, s. 14.

Owner may accept devise, gifts, etc.

**15.**—(1) The owner may take and hold by grant, assignment, devise, bequest or otherwise any money or securities and apply the same in preserving, improving and embellishing the cemetery, upon the condition and in consideration of assuming and undertaking the duty and obligation of preserving and maintaining in a proper manner in perpetuity any particular lot, tomb, monument or enclosure in such cemetery or in any other cemetery or burying ground in the same municipality or in any other municipality in the same county or district, and any person may make such grant, assignment, devise or bequest upon such condition and for such consideration.

Taking lots in cemetery by grant or devise.

(2) The owner may also take and hold by grant, assignment or devise from the owner thereof any lot in the cemetery for the purpose of maintaining the same in perpetuity or otherwise in the manner and subject to the provisions of the instrument of grant, assignment or devise.

May agree to keep lots, etc., in good condition.

(3) The owner may agree to preserve and maintain in a proper manner in perpetuity the particular lot, tomb, monument or enclosure in any cemetery designated in such grant, assignment, devise, bequest or agreement.

Payment over of bequest.

(4) Personal representatives or trustees may pay over and transfer money or securities in their hands which they are authorized or directed to apply for or toward the purposes mentioned in this section.

Investment of funds.

(5) For the purpose of securing the due performance of such agreement the owner shall invest the money received under the agreement in the same manner as trustees are authorized to invest trust money and out of the income of such investment perform his obligations under the agreement.

Notice to owner of bequest or devise for perpetual care.

(6) Every executor and trustee of an estate, the testator or settlor of which has provided a sum of money or other property for the care and upkeep of a plot or plots, or other portion of a cemetery, and the local registrar of the surrogate court from which probate issues, shall notify the owner of such cemetery, of the amount of money or other property so provided for the care and upkeep or other benefits conferred upon the cemetery of such owner immediately upon the issue of probate or at the time when such executor or trustee assumes the burden of the administration of the estate.



(7) The owner may call upon any executor or trustee of the estate of a testator or settlor who has bequeathed or set aside or provided any money or other property for the purpose of the upkeep or care of any lot or plot or portion of a cemetery of such owner for the payment or delivery over to the owner of such money or property to be invested as hereinbefore provided, the income thereof to be used by the owner as provided in the will of the testator or instrument of the settlor, and on default the owner may take out an appointment from the surrogate judge of the county wherein such cemetery is situate directing such executor or trustee to appear before him at such time and place as he shall appoint and upon the hearing, pursuant to such appointment, the judge shall have authority to direct payment or delivery over to the owner of such money or property or make such other disposition thereof in the premises as to him may seem meet in order to carry out fully the intention of the testator or settlor as set forth in his will or other instrument and the costs of and incidental to such application shall be in the discretion of the judge.

Payment or delivery to owner of property devised for perpetual care.

(8) When the amount of the money or the value of the property directed to be delivered over to the owner is \$200 or under, such order may be filed in the division court of the division in which the executor, trustee or settlor resides, and in all other cases in the county court of the county wherein the executor, trustee or settlor resides, and when so filed such order may be enforced in like manner as a judgment of said respective courts.

When amount \$200 or less.

(9) The owner shall not make any charge in connection with the erection of monuments, tombstones, or vaults, except a reasonable charge for opening graves and constructing the foundations, or erecting such monuments, tombstones, or vaults when such erecting is done by the owner. R.S.O. 1927, c. 317, s. 15.

Charges—what may and what may not be made by owner.

(10) Where any money has been deposited with any chartered bank in Ontario to provide a fund to furnish revenue by way of interest or otherwise for the perpetual upkeep of any lot, it shall be lawful for such bank to pay such money to any owner for the purposes for which it was deposited, to be dealt with according to the provisions of this Act, and the owner may give an effectual release to such bank upon receiving such money. 1936, c. 7, s. 3.

Payment of money on deposit in chartered banks.

**16.**—(1) Where moneys have come into the hands of the owner for the purpose of providing for perpetual care of graves, lots, gravestones or fences, the owner may pay such moneys over to the Public Trustee and the same shall be in-

Owner may pay over "perpetual care" funds to Public Trustee.

vested by the Public Trustee and the income therefrom paid over by him to the owner to be applied for the purposes aforesaid.

Future receipts to be dealt with in same manner.

(2) Where the owner has paid over to the Public Trustee any sum of money under subsection 1, all sums of money thereafter received by the owner for the purposes mentioned in subsection 1 shall be paid over to the Public Trustee and shall be dealt with in the like manner. R.S.O. 1927, c. 317, s. 16.

Right to charge owner with cost of maintenance.

**17.** The owner of any cemetery which is not operated for gain or profit, may maintain any lot, tomb, monument or enclosure which is not being properly maintained by or on behalf of the owner thereof and the reasonable charges for so doing shall be a debt due by the lot owner to the owner of the cemetery. R.S.O. 1927, c. 317, s. 17.

Power to acquire additional lands, etc.

**18.—**(1) If additional land is required for the enlargement of a cemetery and the council of the municipality in which the land is situate by by-law declares that in the opinion of the council the owner should, for that purpose, have power to appropriate any adjacent land described in the by-law, and if the Department of Health certifies that in its opinion the proposed enlargement is for the public advantage and convenience and ought to be permitted, the owner, upon registering the by-law and certificate in the proper registry or land titles office, shall, in respect of the land described in the by-law, possess the powers conferred upon the council of a local municipality by *The Municipal Act*.

Rev. Stat., c. 266.

How proceedings to be instituted.

(2) Where the owner not being a municipal corporation desires to proceed under this section proceedings for expropriation may be initiated by notice. R.S.O. 1927, c. 317, s. 18.

Power to make regulations.

**19.** Subject to the provisions of this Act and to the regulations the owner may make regulations for the laying out and selling of lots and managing the cemetery, for regulating burials therein, the removal of bodies therefrom, the erection or removal of tombs, monuments, gravestones, vaults, copings, fences, hedges or other permanent improvements therein, the planting, placing and removal of trees, shrubs and plants in the grounds, and otherwise generally respecting the use of the grounds, and for the execution of conveyances of lots or plots in the cemetery. R.S.O. 1927, c. 317, s. 19.

Power to borrow.

**20.** The owner may borrow money for the purpose of making roads in the cemetery and for laying out and improving the same, and for that purpose may mortgage all his estate,

right and interest in the cemetery, but nothing herein shall authorize the mortgagee or anyone claiming under him to use or deal with the cemetery in a manner inconsistent with the continued use of it as a cemetery or inconsistent with any provision in this Act for the preservation and protection of the same for cemetery purposes. R.S.O. 1927, c. 317, s. 20.

- 21.—(1) The owner shall,—

Duty of owner.
- (a) keep and maintain fences about the cemetery sufficient to prevent dogs, cattle or other animals from straying therein ;

Maintain fences.

(b) keep the cemetery and the buildings and fences thereof in good order and repair ;

Keep in good order.

(c) see that all burials within the cemetery are conducted in a decent and orderly manner, and that quiet and good order are at all times maintained therein.

Conduct of burials.

(2) When there is no person resident in the municipality in which a cemetery is situate in charge of it, the cemetery shall be deemed non-resident land within the meaning of *The Weed Control Act*.

Weeds.  
Rev. Stat., c. 344.
- (3) For every default in complying with subsection 1 the owner shall incur a penalty not exceeding \$10, and after conviction thereof shall incur a further penalty of \$5 for every day during which such default continues. R.S.O. 1927, c. 317, s. 21.

Penalty.
22. Every owner shall make all necessary sewers and drains in and about the cemetery for draining it and keeping it dry, and may whenever necessary connect any such sewer or drain with an existing sewer with the consent in writing of the municipal corporation or other body or the person owning or controlling the highway, lane or other public communication, or the land of which any part is to be opened up for that purpose, doing as little damage as possible and restoring the same to as good condition as before the opening was made. R.S.O. 1927, c. 317, s. 22.

Sewers and drains.
- 23.—(1) The owner shall not cause or suffer any offensive matter from the cemetery to be brought to or flow into any river, spring, well, stream, canal, reservoir, aqueduct, pond or watering place.

No offensive matter to be allowed into rivers, etc.

(2) For every contravention of subsection 1 the owner shall incur a penalty of not more than \$50, and in addition shall be liable for any damages caused thereby to any person having a right to use such water. R.S.O. 1927, c. 317, s. 23.

Penalty.  
Liability for damages.

Interments  
not to be  
within 15  
feet of  
church  
walls, etc.

**24.**—(1) The owner shall not cause or suffer any dead body to be interred in a vault or otherwise under or within fifteen feet of the outer wall of any church, chapel or other building in the cemetery.

Penalty.

(2) For every contravention of subsection 1 the owner shall incur a penalty of not more than \$50. R.S.O. 1927, c. 317, s. 24.

Owner's  
name to be  
recorded.

**25.**—(1) The owner shall not permit any burial therein until he has been registered with the Registrar-General, through the division registrar of the municipality in which such cemetery is situate, as the owner of the cemetery.

Penalty.

(2) For every contravention of subsection 1 the owner shall incur a penalty of not more than \$50. R.S.O. 1927, c. 317, s. 25.

Default of  
owner.

**26.** Where the owner neglects to keep it in good order or to erect or maintain fences as required by this Act, the Department of Health may give notice to him to do so, specifying in the notice what he is required to do, and if such owner does not within one month after the notice comply with the requirements of it the Department of Health may cause what should have been done by him to be done at his expense, and may levy the cost thereof by distress and sale of the owner's goods and chattels, or may maintain an action for the recovery thereof. R.S.O. 1927, c. 317, s. 26.

Provision  
for sale of  
part of lot  
where no  
interment  
made for  
20 years.

**27.**—(1) Where no interment has been made in a plot for more than twenty years and the plot owner has not maintained and kept it in a proper state of repair for more than five years or has made default for more than five years in payment of the maintenance charges referred to in section 17, a judge of the county or district court of the county or district, on the application of the owner of the cemetery and after notice has been given as provided by subsection 2 and on being satisfied that the facts are as above set out may authorize the owner of the cemetery to sell and convey that part of the plot in which no interment has been made and the proceeds of any such sale except as otherwise provided in subsection 3 shall be invested and the income derived therefrom shall be applied to the perpetual care and maintenance of that part of the plot in which an interment has been made.

Notice of  
application.

(2) Where the plot owner resides in the county or district to the knowledge of the owner of the cemetery, notice of the application shall be delivered to him personally or sent to his address by registered letter post at least four days before the time fixed for hearing the application and where he resides in



some other county or district in Ontario and his place of residence is known by the owner of the cemetery the notice shall be sent to the address of his residence by registered letter post at least ten days before the time fixed for the hearing, and where the place of his residence is not in Ontario or is unknown the judge may direct what notice, if any, shall be given.

(3) Where the owner of a cemetery which is not operated for gain or profit maintains a fund for the perpetual care of the cemetery, and plots or parts of plots are sold under the provisions of this section, then the owner shall apply the proceeds received from such sale, or so much as may be available, in the following order and priority:

Where fund for perpetual care, maintained and lots sold.

*Firstly.*—In reduction or satisfaction of all arrears due to the owner for the maintenance charges referred to in subsection 1.

*Secondly.*—In providing for the perpetual care of that part of the lot in which an interment has been made.

*Thirdly.*—Any balance remaining to be carried to the credit of the perpetual care fund maintained by such cemetery. R.S.O. 1927, c. 317, s. 27.

**28.** Where the owner of a cemetery is an incorporated company or a municipal corporation it shall provide graves for strangers and for the indigent free of charge, but an incorporated company shall not be bound to do so in the case of an indigent except upon the certificate of a member of the council of the municipality or of a minister or clergyman that the relatives of the deceased are poor and cannot afford to purchase a lot in the cemetery. R.S.O. 1927, c. 317, s. 28.

Graves to be provided for strangers and indigents free of charge.

#### DISINTERMENT AND REMOVAL OF REMAINS.

**29.**—(1) The dead body of a person who has died of small-pox, scarlet fever, measles, diphtheria, croup, bubonic plague, cholera, epidemic cerebro spinal meningitis, or epidemic anterior poliomyelitis shall not be disinterred, except for the purpose of transportation or reinterment and in conformity with the regulations.

Disinterment in cases of certain contagious diseases.

(2) No such dead body shall be transported by railway, steam or other vessel, or other public conveyance unless prepared in the manner provided by the regulations, and enclosed in a hermetically sealed coffin which shall not be subsequently opened. R.S.O. 1927, c. 317, s. 29.

Transport of dead body by railway, etc.

**30.**—(1) No dead body shall at any time be disinterred or removed from the grave, place of burial or vault, other than

Disinterment of dead body.

a receiving vault, except under and subject to the regulations and under the personal supervision and direction of the medical officer of health.

Certificate of medical officer of health.

(2) The certificate of the medical officer of health that the provisions of this Act and of the regulations have been complied with shall be affixed to the coffin or other receptacle containing the dead body before its removal from the cemetery.

Penalty.

(3) Every person who disinters or removes from any such grave, place of burial or vault any dead body except as hereinbefore provided, and every person who conveys or transports any such body in contravention of the provisions of this Act shall incur a penalty of \$100. R.S.O. 1927, c. 317, s. 30.

Preventing escape of noxious or unhealthy gases.

**31.** Every human body interred in a cemetery, which is not placed or buried in a private vault so constructed as to prevent the escape of noxious or unhealthy gases therefrom, shall be buried so that the outside cover or shell of the coffin or other receptacle shall be at least four feet beneath the natural surface of the ground, and the coffin or other receptacle shall be immediately covered with at least four feet of earth. R.S.O. 1927, c. 317, s. 31.

Order for disinterment by court.

**32.—(1)** Notwithstanding anything herein contained, where it is deemed necessary to disinter any dead body for the purpose of a judicial proceeding, the court in which the proceeding is pending may direct its disinterment under and subject to such conditions as to reinterment as may be deemed proper.

Order by the Attorney-General.

(2) Where the Attorney-General deems it expedient for the purpose of an inquiry as to the cause of death or for the purpose of any criminal proceeding that a body should be disinterred he may exercise the powers mentioned in subsection 1.

Disinterment for inquest.

(3) A coroner who has issued his warrant for the holding of an inquest upon a dead body may direct it to be disinterred. R.S.O. 1927, c. 317, s. 32.

#### CLOSING CEMETERIES.

Closing cemetery for defective drainage, etc.

**33.** Where the Department of Health reports in writing that a cemetery is so situated that, owing to the want of proper facilities for drainage or from any other cause, the same has become or is likely to become dangerous to the health of the inhabitants of the locality the Lieutenant-Governor in Council may by proclamation declare that the cemetery shall be closed and that no further interments shall take place therein. R.S.O. 1927, c. 317, s. 33.

**34.**—(1) Whenever,—

Removal of  
bodies and  
reinterment  
in another  
cemetery.

- (a) a cemetery has been closed by proclamation of the Lieutenant-Governor in Council as hereinbefore provided; or
- (b) the owner of a cemetery establishes to the satisfaction of the Lieutenant-Governor in Council that it is expedient that the bodies therein should be removed therefrom;

the Lieutenant-Governor in Council may direct such removal in the manner and according to the procedure provided by this section.

(2) Before the application for an order under clause *b* of subsection 1 is granted the owner shall give notice of the application once a week for four successive weeks in the *Ontario Gazette* and in a newspaper published in the local municipality in which the cemetery is situate, or if there is no such newspaper then in a newspaper published in the county or district town, and by registered letter addressed to every plot owner in the cemetery whose address is known or can be ascertained by the owner.

Notice of  
application.

(3) After the making of the order the owner shall forthwith give notice thereof by publication once a week for at least two successive weeks in the *Ontario Gazette* and in a newspaper published in the local municipality in which the cemetery is situate, or if there is no such newspaper then in a newspaper in the county or district town, that he will, at the expiration of thirty days from the publication of the last of such notices, disinter and remove such bodies and reinter them in the place described in the notice which shall be in some cemetery in the same or in an adjacent municipality.

Notice of  
order to be  
published.

(4) At the expiration of the time fixed by such notice any bodies not removed by the relatives or friends of the deceased may be removed by the owner at his own expense, and when removed shall be reinterred by him in the cemetery mentioned in the notice.

Time of  
removal,  
and duties  
of owner.

(5) The provisions of sections 29, 30 and 31 shall apply to such disinterment, removal and reinterment.

Ss. 29,  
30 and 31  
to apply.

(6) The owner shall remove all monuments or headstones or other stones marking the graves in which bodies so removed are buried, and shall re-erect or replace them in the cemetery to which such bodies are removed.

Removal  
and re-  
erection of  
monu-  
ments, etc.

Certificate  
of  
judge  
as to  
compliance  
with  
section.

(7) If and when the owner satisfies a judge of the county or district court of the county or district that he has removed from the cemetery and reinterred as hereinbefore provided all the remains which with the exercise of reasonable diligence he has been able to find buried in such cemetery, the judge may certify that the provisions of this section have been complied with and such certificate may be registered in the proper registry or land titles office on the production thereof.

Effect of  
certificate.

(8) The certificate when so registered shall be conclusive evidence that the owner has removed from the land therein described all the remains there buried, and thereafter such land shall not be deemed a cemetery within the meaning of this Act but may be sold, leased or otherwise disposed of and dealt with by the owner as if it had not been a cemetery. R.S.O. 1927, c. 317, s. 34.

#### MISCONDUCT IN CEMETERY.

Prohibi-  
tions.

**35.**—(1) No person shall,—

Injuring  
property.

(a) wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure placed in a cemetery, or any fence, railing or other work for the protection or ornament of a cemetery, or of any such tomb, monument, gravestone or other structure or of any lot within a cemetery; or

Idem.

(b) wilfully destroy, cut, break, or injure any tree, shrub or plant in a cemetery, or wilfully injure, destroy or deface any building or structure or any road, walk or other works in the cemetery;

Playing  
games, etc.

(c) play at any game or sport in a cemetery; or

Discharg-  
ing fire-  
arms.

(d) discharge firearms in a cemetery except at a military funeral; or

Disturbing  
funerals.

(e) wilfully and unlawfully disturb persons assembled for the purpose of burying a body therein; or

Committing  
nuisance.

(f) commit a nuisance in a cemetery.

Penalty.

(2) Every person who contravenes the provisions of subsection 1 shall incur a penalty of not less than \$4 nor more than \$40.

Animals.

(3) No person shall bring any dog, goat, or cattle within the limits of a cemetery, and every person so doing shall incur a penalty of not more than \$20.

Liability  
to action.

(4) Every person who contravenes subsection 1 or subsection 3 shall also be liable in an action in the name of the owner



of such cemetery or of a burial plot upon which such damage is done or other unlawful act committed to pay all damages occasioned by his unlawful act, and when recovered, the same shall be applied under the direction of the owner of the cemetery for the reparation and reconstruction of the property destroyed. R.S.O. 1927, c. 317, s. 35.

## PART II.

### POWERS OF MUNICIPAL CORPORATIONS.

**36.**—(1) Where the owner of a cemetery cannot be found or is unknown or is unable to maintain it, the council of the local municipality in which the cemetery is situate shall be charged with the duty of maintaining it and the corporation of the local municipality shall for the purposes of this Act be deemed to be the owner of the cemetery. R.S.O. 1927, c. 317, s. 36 (1). When municipality to maintain cemetery.

(2) Where the council of a municipality neglects or refuses to properly maintain a cemetery under the provisions of this section, the commission shall give notice in writing to the corporation directing the corporation to do whatever, in the opinion of the commission, should be done by the owner of a cemetery for the proper maintenance thereof, and in case of disobedience to any such order, the commission may cause the necessary work to be done and the treasurer of the municipality shall pay the cost of such work, upon the order of the chairman of the commission, to the persons entitled thereto. 1931, c. 68, s. 4. Refusal or neglect to maintain cemetery.

**37.**—(1) Subject to the provisions of Part I and to the regulations, the council of every local municipality and the trustees of every police village may pass by-laws for,— By-laws.

- (a) making an annual or other grant of money to the owner of a cemetery situate in the municipality or the police village, or in any adjacent municipality or police village; Making annual grants, etc.
- (b) regulating funerals and the interment of the dead; Regulating funerals, etc.
- (c) acquiring land in the municipality or in the police village or in an adjacent township for a cemetery, or for the enlargement of an existing cemetery of which the corporation is the owner; Acquiring land.
- (d) selling or leasing portions of such land for the purpose of interment in family vaults or otherwise, and Selling plots, etc.

fixing the terms on which the same shall be conveyed or leased and held;

Maintenance, regulation and control of cemetery.

- (e) the maintenance, management, regulation and control of any cemetery which is owned by the corporation or the trustees whether situate within or without the municipality or police village. R.S.O. 1927, c. 317, s. 37.

By-law to be approved by the commission.

- (2) No such by-law shall come into force or take effect until the same has been approved in writing by the commission. 1931, c. 68, s. 5.

By-laws, prohibiting the interment of the dead.

- 38.** The council of every urban municipality and the trustees of every police village may pass by-laws for prohibiting the interment of the dead within the municipality or police village. R.S.O. 1927, c. 317, s. 38.

Power to sell to municipal corporation.

- 39.** The owner of any existing cemetery or of any land held for cemetery purposes may sell or transfer the same to any municipal corporation, or the trustees of any police village, and if the land has not been used for burial purposes, the corporation may sell the same and acquire other land in lieu of it. R.S.O. 1927, c. 317, s. 39.

Council of city or town may transfer cemetery to board of park management.

Rev. Stat., c. 285.

- 40.** The council of any city or town for which there is a board of park management established under *The Public Parks Act* may by by-law transfer the control and management of a cemetery vested in the corporation of the municipality to such board, and thereafter the cemetery shall be vested in the board of park management and the board shall have the control and management of the cemetery and shall be responsible for the maintenance thereof in the same manner and to the same extent as a municipal corporation owning and maintaining a cemetery under the provisions of this Act. R.S.O. 1927, c. 317, s. 40.

Cemetery board in city and town.

- 41.** The council of any city or town owning or controlling a cemetery situated either within or outside the limits of such city or town, may by by-law transfer the control and management of such cemetery to a board consisting of not less than three nor more than seven persons who shall hold office during the pleasure of the council and may by such by-law define the duties and powers of such board. 1936, c. 7, s. 4.

Township cemetery board.

- 42.**—(1) The council of a township may by by-law appoint a board consisting of not less than three nor more than seven persons who shall hold office during the pleasure of the council, and may by the by-law provide that the board shall have and may exercise within the municipality all the

powers and perform all the duties of a municipal council with respect to cemeteries within the township, including the powers and duties mentioned in section 36.

(2) The board shall be a corporation by the name of "The Cemetery Board of the Township of \_\_\_\_\_" and <sup>Board to be a corporation.</sup> the ownership and control of the cemeteries owned or controlled by the corporation of the township shall be vested in the board.

(3) The council of a village shall have the like powers as <sup>Cemetery board in village.</sup> are conferred on townships by subsections 1 and 2 not only with respect to cemeteries in the village, but also as to cemeteries outside the village owned and controlled by the corporation of the village. R.S.O. 1927, c. 317, s. 41.

**43.**—(1) The council of every county shall appoint a committee to be known as "The (*insert name of county*) War Memorial Committee" to take charge of monuments, tablets and other memorials established or erected within the county in commemoration of the nursing sisters, officers and men of His Majesty's forces who served, were wounded, killed or died during the Great War, 1914-1918, except only such monuments, tablets, and other memorials as are being cared for by municipalities, churches or other organizations. <sup>War memorial committee, —appointment of.</sup>

(2) The committee to be appointed under subsection 1 shall be composed of five persons of whom two shall be members of the county council and the members of the committee shall <sup>Committee to serve without remuneration.</sup> serve without remuneration. 1933, c. 5, s. 3.

### PART III.

#### TRUSTEES OF CEMETERIES.

**44.**—(1) Where the inhabitants of a township or part of a township to the number of ten or more desire to take a conveyance of land for a cemetery not for the exclusive use of any particular religious body, they may appoint trustees to whom and their successors appointed in the manner provided by the conveyance, the land may be conveyed. <sup>When lands for cemetery may be vested in trustees.</sup>

(2) Such trustees and their successors in perpetual succession, by the name expressed in the conveyance, may take, hold and possess the land in trust for the uses and purposes mentioned therein and may maintain and defend actions for the protection thereof and of their property therein. <sup>Trustees to hold in perpetual succession.</sup>

(3) There shall not be held in trust under any such conveyance more than ten acres. R.S.O. 1927, c. 317, s. 42. <sup>Limitation to 10 acres.</sup>

Cemetery trustees may be empowered to take over other cemeteries.

**45.** Where trustees have been appointed to take a conveyance of land for cemetery purposes in any township or village, and have acquired land in the township or village for cemetery purposes, and there is in the township or village other land which has been used as a cemetery and no provision has been made for the appointment of trustees for such last mentioned land, and there is no person upon whom the duty of maintaining and caring for the land rests, and the owner of such land is absent or unknown, the Ontario Municipal Board, upon the application of the trustees and after the giving of such public notice as the Board may deem sufficient, may make an order vesting such last-mentioned land in the trustees, and upon the registration of such order in the proper registry office, the land shall be vested in the trustees, and they shall have and perform the same powers and duties with respect thereto as with respect to other lands conveyed to them for cemetery purposes. R.S.O. 1927, c. 317, s. 43.

Closing road allowance.

**46.** Where a road allowance which has not been opened for travel passes through lands used for cemetery purposes or separates or lies between lands used for cemetery purposes, and other lands vested in the trustees under section 45, or conveyed to them, the Ontario Municipal Board, upon the application of the trustees, and after notice to the council of the municipality and upon being satisfied that it is in the public interest that such road allowance should be closed and that the portion thereof which passes through or adjacent to the cemetery lands should be vested in the trustees, may make an order closing such road allowance and vesting so much thereof as passes through or adjoins the cemetery lands in the trustees, and upon the registration of such order in the proper registry office, the lands described in the order shall be vested in the trustees for cemetery purposes. R.S.O. 1927, c. 317, s. 44.

Election of trustees when no other provision made.

**47.—(1)** Where land has been set apart or sold for cemetery purposes and used as a cemetery and no provision has been made for the appointment of trustees of such cemetery, or where there is no person upon whom the duty of taking care of and maintaining a cemetery rests, the owners of plots therein may elect trustees in the manner hereinafter provided.

For calling meeting.

**(2)** Three or more of such owners may call a meeting for the purpose of electing trustees by notice (Form 1) to be published once a week for two successive weeks in a newspaper published in the local municipality in which the cemetery is situate, or if no newspaper is published in the local municipality, then in the newspaper published nearest to the local municipality.



(3) The date of the meeting shall not be less than two weeks from the date of the last publication of such notice. Date of meeting.

(4) At the time and place named in the notice, the plot owners present shall elect from among themselves some person to act as chairman, and shall also elect some person to act as secretary for the meeting. Chairman and secretary.

(5) After the election of the chairman and secretary, the members present shall elect from among the plot owners three persons to be trustees of the cemetery. Three trustees to be elected.

(6) After the election of the trustees, the chairman and secretary shall certify as to such election (Form 2). Certificate of election.

(7) The certificate shall be in triplicate, and one of such triplicates with an affidavit of execution thereof in the form prescribed by *The Registry Act* shall be registered in the proper registry or land titles office, and one of such triplicates shall be filed with the clerk of the local municipality in which the cemetery is situate, and one of such triplicates shall be delivered to the trustees. Registration and filing of certificate.  
Rev. Stat., c. 170.

(8) Upon the registration of the certificate, the cemetery shall be vested in the trustees so appointed and their successors subject to the provisions of any deed or other instrument setting it apart for cemetery purposes or conveying the same or any plot therein for cemetery purposes, and subject to the rights of any person who may have theretofore purchased plots in such cemetery and to the provisions of this Act. Effect of registration.

(9) The trustees elected and their successors shall be deemed to be the owners of the cemetery within the meaning of this Act. Trustees deemed owners.

(10) Whenever a vacancy occurs in the office of trustee, whether originally elected or elected to fill a vacancy, his successor shall be elected, and his election shall be certified and the certificate shall be registered in the manner hereinbefore provided in the case of a first election of trustees. R.S.O. 1927, c. 317, s. 45. Vacancies among trustees.

48.—(1) When adjoining cemeteries are owned by separate boards of trustees or companies, they may appoint trustees to whom and to their successors, appointed in the manner provided by the conveyance, all or any of the land vested in the appointing bodies may be conveyed, and the same may be conveyed accordingly and the trustees appointed by such conveyance and their successors in perpetual succession, by the name expressed in the conveyance, may take, hold and possess the land thereby or thereafter conveyed to them as a site for a Adjoining cemeteries.

cemetery and for the enlargement of an existing cemetery, and maintain and defend actions for the protection thereof and of their property therein.

Cemeteries  
may be  
vested in  
company.

(2) Instead of appointing trustees as provided by subsection 1, the cemeteries may be conveyed to and vested in the company or in one of the companies upon such trusts, if any, as the appointing bodies may deem proper. R.S.O. 1927, c. 317, s. 46.

#### PART IV.

#### CREMATORIA.

Establish-  
ment of  
crematoria.

**49.** The powers of an owner of a cemetery shall be deemed to extend to and include the provision and maintenance of crematoria and columbaria and the disposal of the bodies of deceased persons by cremation or incineration, and the provision of such fixtures, appliances and facilities as may be deemed necessary in order that such cremation or incineration may be carried on in accordance with accepted scientific principles. 1932, c. 40, s. 3, *part*.

Regulation  
of cremation  
and disposal  
of ashes.

**50.** The owner shall, subject to approval of the Lieutenant-Governor in Council, have power from time to time to frame by-laws, rules and regulations for the reception, cremation or incineration of the bodies of deceased persons, for the deposit of ashes remaining therefrom in a suitable columbarium or for otherwise disposing of the same, and for the fees and rates to be charged. 1932, c. 40, s. 3, *part*.

Medical  
certificate.

**51.** No body shall be cremated unless a certificate and permit similar to that now required for burial has been produced nor within forty-eight hours after decease, unless death has been occasioned by a communicable disease subject to quarantine and placard according to the provisions of *The Public Health Act* and regulations passed under authority thereof, and so certified by a duly qualified medical practitioner, in which case a duly constituted local board of health may order that the body of the deceased shall be cremated forthwith. 1932, c. 40, s. 3, *part*.

Rev. Stat.,  
c. 299.

Coroner's  
certificate.

**52.** No body shall be cremated unless and until a certificate in the prescribed form, signed by a duly qualified coroner of the municipality in which the death took place, has been deposited with the owner, which certificate shall contain the statement that the cause of death has been definitely ascertained and that there exists no reason for further inquiry or examination. 1932, c. 40, s. 3, *part*.

**53.** The owner shall have the right to refuse to cremate in any case without assigning reasons. 1932, c. 40, s. 3, *part*. Right to refuse cremation.

**54.** The Lieutenant-Governor in Council shall from time to time have the right to make such rules and regulations as may be deemed advisable for the better carrying out of the provisions of this Act. 1932, c. 40, s. 3, *part*. Right of the Lieutenant-Governor in Council to make regulations.

**55.** The provisions of sections 2, 3, 4, 5, 6 and 7 shall apply to crematoria or columbaria, in the same manner as the said sections apply to a cemetery. 1932, c. 40, s. 3, *part*. Approval of site, etc., by Department.

## SCHEDULE.

### FORM 1.

(Section 47.)

Take notice that a meeting will be held at (*naming a place in the local municipality in which the cemetery is situate*) at in the of on the day of 19 , at the hour of o'clock in the noon, for the purpose of electing trustees for the cemetery (*here insert description of land sufficient for the purpose of registration and name or designation, if any, of the cemetery*). The owners of plots are requested to attend the meeting.

Dated at the day of 19 .  
A.B., C.D., E.F.,  
Plot Owners.

R.S.O. 1927, c. 317, Schedule, Form 1.

### FORM 2.

(Section 47.)

We hereby certify that at a meeting of the owners of plots in the cemetery (*here insert description of land sufficient for the purpose of registration and the name or designation, if any, of the cemetery*), of , held pursuant to the provisions of *The Cemetery Act*, at on the day of 19 , the following persons were elected trustees of the cemetery:

A.B.,	of
C.D.,	of
E.F.,	of

(*insert place of residence and occupation of each trustee.*)

Witness:

Chairman.  
Secretary.

R.S.O. 1927, c. 317, Schedule, Form 2.

## CHAPTER 352.

## The Burial of War Veterans Act.

Liability  
of municipi-  
pality for  
burial of  
veterans.

**1.** In the event of the death of any person who is an indigent person and who was a member of His Majesty's Military or Naval Forces in active service during the Great War, 1914-1918, and the burial was provided by and paid for from the Last Post Fund, the municipality in which such person resided at the time of his death shall pay the expenses of such burial, but not exceeding the sum of \$15 to the Last Post Fund upon proof of such burial and demand for payment made by a properly accredited officer of the said Fund. 1935, c. 6, s. 2.

In case of  
workman,  
compensa-  
tion payable  
to Last Post  
Fund.

**2.** In the event of the death of any workman who was a member of His Majesty's Military or Naval Forces in active service during the Great War, 1914-1918, and the burial was provided by and paid for from the Last Post Fund, the necessary expenses of the burial payable under the provisions of clause *a* of subsection 1 of section 35 of *The Workmen's Compensation Act* not exceeding \$100 shall be paid to the Last Post Fund. 1935, c. 6, s. 5.

Rev. Stat.,  
c. 204.



## 12. PROTECTION OF GAME, ETC.

## CHAPTER 353.

## The Game and Fisheries Act.

## PART I.

## INTERPRETATION AND GENERAL PROVISIONS.

**1.** This Act and the regulations shall apply to all game, hunting, shooting, trapping, fish, fisheries, fishing and all matters relating thereto. R.S.O. 1927, c. 318, s. 1.

**2.** In this Act and in the regulations,—

Interpreta-  
tion.

- (a) "Close season" shall mean a specified period during which fish and game may not legally be taken; R.S.O. 1927, c. 318, s. 2, cl. (a). "Close  
season."
- (b) "Department" shall mean Department of Game and Fisheries; 1937, c. 27, s. 2. "Depart-  
ment."
- (c) "Deputy Minister" shall mean the chief officer in charge of the Game and Fisheries Department of the Public Service; R.S.O. 1927, c. 318, s. 2, cl. (b); "Deputy  
Minister."
- (d) "Dog" shall mean any dog, male or female; 1932, c. 41, s. 2. "Dog."
- (e) "Farmer" shall mean any person actually living upon and tilling his own land or lands to the possession of which he is for the time being entitled, or any *bona fide* settler engaged in clearing the land for the purpose of bringing the same to a state of cultivation; 1930, c. 62, s. 3; 1933, c. 19, s. 2 (1). "Farmer."
- (f) "Fishery" shall mean and include the stretch of water, locality, premises, place or station described in the regulations, or in a permit or license, in or from which fish may be taken, and all nets, plants and appliances used in connection therewith; "Fishery."

- "Game." (g) "Game" shall mean and include all fur-bearing animals and all animals and birds protected by this Act and the regulations, and heads, skins and every part of such animals and birds;
- "Guide." (h) "Guide" shall mean any person who receives payment or remuneration of any kind for services rendered as a guide for angling or hunting parties;
- "Hunt." (i) "Hunt" shall mean and include any chasing, pursuing, worrying, following after, or on the trail of, or any searching for, shooting at, stalking, or lying in wait for any game, whether or not such game be then or subsequently captured, killed or injured;
- "License" or "permit." (j) "License" or "permit" shall mean an instrument issued under the authority of this Act and the regulations conferring upon the licensee or permittee the right to do the things therein mentioned; subject to such conditions, restrictions and limitations as are therein, and in this Act and the regulations contained, but no license or permit shall be deemed to be or to operate as a demise or lease;
- "Minister." (k) "Minister" shall mean the member of the Executive Council for the time being charged with the administration of this Act and the regulations; R.S.O. 1927, c. 318, s. 2, cls. (c-h).
- "Monitor." (l) "Monitor" shall mean any boat provided with a cockpit from which the decks slope down to the water at any point; 1933, c. 19, s. 2 (2).
- "Non-resident." (m) "Non-resident" shall mean any person who has not actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under the provisions of this Act; 1931, c. 69, s. 2 (1).
- "Officer." (n) "Officer" shall mean and include assistant deputy minister, inspector, district superintendent, special patrol, overseer and any other officer or persons authorized to assist in the propagation of game or fish and the enforcement of this Act and the regulations; R.S.O. 1927, c. 318, s. 2, cl. (j); 1930, c. 62, s. 2 (2).
- "One day." (o) "One day" shall mean from sunrise to sunset;
- "Open season." (p) "Open season" shall mean a specified period during which fish and game may legally be taken;

- (*q*) "Person" shall mean any individual, including Indians, firm or body corporate; "Person."
- (*r*) "Regulations" shall mean the regulations made by the Lieutenant-Governor in Council under the authority of this Act; R.S.O. 1927, c. 318, s. 2, cls. (*k-n*). "Regulations."
- (*s*) "Resident" shall mean any person who has actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under the provisions of this Act; 1931, c. 69, s. 2 (2). "Resident."
- (*t*) "Unprime" when applied to skins or pelts or fur-bearing animals shall mean any skin or pelt that shows natural markings of a dark or bluish colour on the flesh side. R.S.O. 1927, c. 318, s. 2, cl. (*p*). "Unprime."

**3.—**(1) The administration of this Act and the regulations and all matters relating to fish and game in all parts of the Province, notwithstanding any other Act or Acts, shall be under the control and direction of the Minister and shall constitute a department of the public service to be known as the Game and Fisheries Department. Administration.

(2) The remuneration of all officers of the Department and of all other persons employed to perform any duty in connection therewith or to assist in the enforcement of this Act and the regulations, and all expenses incident to the due enforcement thereof, shall be paid out of such money as may be appropriated for that purpose by this Legislature. R.S.O. 1927, c. 318, s. 3. Remuneration of officers, etc.

**4.** The grant by patent, issued before or after the passing of this Act, of the bed of any navigable water, or of any lake or river shall not, unless such exclusive right of fishing is expressly granted by such patent, be deemed to carry or include the exclusive right of fishing in the water which covers or flows over the land so granted. R.S.O. 1927, c. 318, s. 4. Exclusive right to fish in navigable waters only by express grant.

**5.** Save as otherwise provided by this Act and the regulations, all rentals, license fees, fines, penalties, proceeds of sales of articles confiscated, and other receipts, fees, and revenue under this Act and the regulations, or under any lease, license or other instrument thereby authorized, shall be payable to the Treasurer of Ontario. R.S.O. 1927, c. 318, s. 5. Payment of fees, fines, etc.

## PART II.

## REGULATIONS.

Regulations.

**6.—(1)** The Lieutenant-Governor in Council may make regulations,—

Custody of archives and records.

(a) for making, keeping, searching for, obtaining and taking over all archives, records, books, regulations, Orders-in-Council, documents and accounts in the custody of the Government of Canada or of the Government of Ontario, or otherwise existing, in any way relating to the game or fisheries of Ontario;

Records, etc., and returns by licensees and others.

(b) providing that every person holding any lease or license issued under this Act, and all fish companies and fish dealers, shall keep such records and make such reports and returns as may be prescribed; R.S.O. 1927, c. 318, s. 6 (1), cls. (a, b).

Protection of birds.

(c) prohibiting for a period of not more than three years at a time the hunting, shooting, purchase, sale and possession in Ontario or any section thereof, of any game bird, non-game bird, or any insectivorous bird, whether migratory or non-migratory, which may appear to require further protection than is afforded by this Act; R.S.O. 1927, c. 318, s. 6 (1), cl. (d).

Varying open and close seasons.

(d) varying the open season and the close season in any part of the Province where local conditions or climatic conditions shall warrant a change, but such variations shall not extend beyond one season; R.S.O. 1927, c. 318, s. 6 (1), cl. (e); 1931, c. 69, s. 3.

Regulating the possession of guns.

(e) prohibiting or regulating the possession of air guns, guns, rifles or other firearms, in any part of Ontario in which it may appear that it is desirable to take special means to prevent violation of this Act;

Licensing guides.

(f) prohibiting persons assisting hunters or hunting parties, anglers or angling parties from acting as guides except under the authority of a license or permit;

Employment of licensed guides.

(g) requiring non-resident holders of hunting licenses to employ licensed guides while hunting deer, moose or caribou;

Crown game preserves.

(h) designating certain parts of Ontario in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any game bird or animal at any time of the



year, subject to such exception in favour of the residents or settlers as may be deemed reasonable;

- (i) exempting Indians in the northerly and northwesterly or other sparsely settled parts of Ontario, whether organized or unorganized, from any provisions of this Act, which may be specified in the Order-in-Council; Exempting Indians from provisions of Act.
- (j) prohibiting fishing except under the authority of a license issued on the terms and conditions prescribed by the regulations; Forbidding fishing, except under license.
- (k) preventing the destruction and improper, wasteful or excessive taking of fish; Wasteful and destructive fishing.
- (l) prescribing the number, size and weight of any species of fish that may be caught, possessed, purchased or sold; Number and weight of fish.
- (m) restricting the taking of frogs and setting apart any suitable provincial waters for the cultivation and propagation of frogs; Frogs.
- (n) prohibiting or regulating the purchase and sale of or traffic in, snipe, quail, woodcock, partridge, pheasants or other game birds, speckled trout, bass and maskinonge; Sale of certain game birds, fish.
- (o) authorizing and regulating the sale of game imported into Ontario and lawfully hunted, killed or procured according to the law of the province, state or country in which the same was killed or procured; Sale of imported game if lawfully procured.
- (p) prohibiting the possession, purchase, sale and transportation of any species of fish in the close season; Possession, etc., of fish in close season.
- (q) governing the issue of licenses and permits, prescribing the terms and conditions thereof, the period for which the same shall be in force, and the fees payable in respect thereof; Terms of license.
- (r) for granting, without fee, a special permit to enable a guest of Ontario to angle, hunt and shoot therein; Special license to guest of Ontario.
- (s) for the administration of the Game and Fisheries Department; Administration.
- (t) for the appointment of the Deputy Minister, officers, servants and other persons whose assistance he may deem requisite for the purposes of this Act and regulations, and for their remuneration; Appointment of officers.

Making  
certain  
officers  
justices of  
the peace.

- (u) conferring upon certain officers by special appointment the powers of justices of the peace for the purposes of this Act and of the regulations;

Varying  
conditions  
of section  
66.

- (v) varying the conditions of section 66 of this Act where conditions may warrant; R.S.O. 1927, c. 318, s. 6 (1) cls. (f-w).

Use of  
dogs.

- (w) governing the use of dogs while hunting deer or moose on any island or peninsula or in any other area which is of similar topographical nature; 1935, c. 23, s. 2 (1).

Hunting  
licenses,  
Pelee  
Township.

- (x) authorizing the issue of licenses by the Township of Pelee for the hunting of pheasants within such township during the period within which the hunting of pheasants is permitted in such township by this Act and any Order-in-Council passed thereunder and the charging of a fee therefor by the council of such township; 1935, c. 23, s. 2 (2).

Other pro-  
visions.

- (y) containing such further and other provisions as may be deemed necessary or desirable for the administration and enforcement of this Act and of the regulations. R.S.O. 1927, c. 318, s. 6 (1), cl. (c).

Promulga-  
tion.

- (2) The regulations shall come into force upon publication thereof in the *Ontario Gazette* or upon such later date as may be therein stated. R.S.O. 1927, c. 318, s. 6 (2).

### PART III.

#### OPEN SEASONS.

Open  
seasons.

7. It shall be unlawful for any person to hunt, kill or destroy,—R.S.O. 1927, c. 318, s. 7, *part*.

Deer,  
moose,  
north of  
C.N.R.

- (a) any deer or moose in that part of Ontario lying north of the main line of the Canadian National Railway (formerly the Grand Trunk Pacific Railway) from Quebec to the Manitoba boundary line, except from the 15th day of September to the 25th day of November, both days inclusive; 1928, c. 52, s. 2 (1) *part*; 1929, c. 82, s. 2 (1), *part*.

Deer, moose,  
north of  
Lake Nipis-  
sing, French  
and  
Mattawa  
Rivers.

- (b) any deer or moose in that part of Ontario lying south of the main line of the Canadian National Railway (formerly the Grand Trunk Pacific Railway) from Quebec to the Manitoba boundary and north of the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-

Sudbury branch of the Canadian Pacific Railway near Bigwood; thence following the line of the Toronto-Sudbury branch of the Canadian Pacific Railway and the main line of the Canadian Pacific Railway to its intersection with the northern boundary of Morse Township in the District of Sudbury; thence westerly along the northerly boundaries of the Townships of Morse and Dennie and the southerly boundaries of the Townships of Alton, Jasper, Durban, Ethel and Comox to the southwest angle of Comox Township; thence northerly along the westerly boundaries of the Townships of Comox, Fulton and Iris to the northwest angle of Iris Township; thence westerly along the southerly boundaries of townships 8Z, 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 22 range 15 and 23 range 15 to the southwest angle of the District of Sudbury; thence southerly along the westerly boundary of block 23, range 14, to the southeast angle of block 24, range 15; thence westerly along the southerly boundaries of blocks 24, 25, 26, 27, 28 and 29, range 15, to Lake Superior, except from the 15th day of October to the 25th day of November; 1936, c. 23, s. 2 (1); 1937, c. 27, s. 3 (1).

- (c) any deer or moose in that part of Ontario being the District of Manitoulin and parts of the Districts of Algoma and Sudbury which may be more particularly described as lying south of the southerly boundary of the area defined in clause *b*, and north of the French River, except from the 1st day of November to the 25th day of November, provided, however, that on St. Joseph's Island in the District of Algoma and on Manitoulin Island in the District of Manitoulin, the open season shall be from the 10th day of November to the 25th day of November; 1936, c. 23, s. 2 (2), *part*.
- Deer,  
moose,—  
Manitoulin  
District.  
South  
portions  
Sudbury  
and Algoma  
Districts.
- St. Joseph's  
Island.  
Manitoulin  
Island.
- (d) any deer in that part of Ontario lying south of the French and Mattawa Rivers, except from the 5th day of November to the 20th day of November, both days inclusive, but it shall be unlawful to hunt, kill or destroy any deer at any time in the Counties of Bruce, Grey, Simcoe and York, and that part of Ontario lying to the south and west thereof, or in the Counties of Leeds, Grenville, Dundas, Stormont, Glengarry and Carleton; 1930, c. 62, s. 4; 1934, c. 19, s. 2 (1).
- Deer,  
south of  
French and  
Mattawa  
Rivers.
- (e) any ruffed grouse (commonly known as birch part-ridge), Canada grouse (commonly known as spruce
- Grouse,  
etc.

partridge), European gray partridge (commonly known as Hungarian partridge), pheasant, sharp-tailed grouse (commonly known as prairie chicken), prairie hen (commonly known as pinnated grouse), ptarmigan, mourning dove, quail or wild turkey, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council; R.S.O. 1927, c. 318, s. 7, cl. (d); 1932, c. 41, s. 3; 1933, c. 19, s. 3 (1).

Open season,—  
woodcock,  
duck, goose,  
etc.

R.S.C.,  
c. 130.

(f) any woodcock, Wilson or Jack snipe, wild duck, wild goose or other bird mentioned in the *Migratory Birds Convention Act* (Canada) except during such periods and on such terms and conditions as may be prescribed by the said *Migratory Birds Convention Act* (Canada); 1937, c. 27, s. 3 (2).

Caribou, or  
wapiti.

(g) any caribou or wapiti (North American elk), or have in possession the carcass of any caribou, wapiti, or any part thereof; 1929, c. 82, s. 2 (3); 1933, c. 19, s. 3 (2).

Moose,  
south of the  
French and  
Mattawa  
Rivers.

(h) any moose in that part of Ontario lying south of the French and Mattawa Rivers. 1934, c. 19, s. 2 (2).

Wild  
native  
birds.

8.—(1) It shall be unlawful for any person to shoot, destroy, wound, molest, take or have in possession, or attempt to shoot, destroy, wound, molest or take any bird protected by this Act and the regulations, during an unlawful period, and any other wild native bird at any time, other than hawks (which word shall not be interpreted to include ospreys and eagles), owls, crows, cowbirds, blackbirds (grackles), starlings and house sparrows. R.S.O. 1927, c. 318, s. 8 (1); 1932, c. 41, s. 4; 1933, c. 19, s. 4; 1936, c. 23, s. 3.

Traps and  
snares  
illegal.

(2) It shall be unlawful for any person to use, set or maintain any net, trap, snare, spring, cage or other appliance for the purpose of either capturing or killing any bird protected under the provisions of subsection 1, and such appliances may be destroyed by any person without incurring any liability therefor. R.S.O. 1927, c. 318, s. 8 (2).

Beaver.

9.—(1) It shall be unlawful for any person to hunt, take or kill any beaver, or, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council, have in his possession the carcass, skin or any part of any beaver. 1935, c. 23, s. 4, *part*.

Muskrat.

(2) It shall be unlawful for any person to hunt, take or kill any muskrat or to have in his possession the carcass, skin or any part of any muskrat,—



(a) in that part of the Province lying north of the French and Mattawa Rivers, except from the 1st day of April to the 21st day of May;

(b) in the Counties of Brant, Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Norfolk, Oxford, Welland and Wentworth, except from the 20th day of March to the 10th day of April;

(c) in the Counties of Addington, Bruce, Carleton, Dufferin, Dundas, Durham, Frontenac, Glengarry, Grenville, Grey, Halton, Hastings, Huron, Lanark, Leeds, Lennox, Northumberland, Ontario, Peel, Perth, Peterborough, Prescott, Prince Edward, Russell, Simcoe, Stormont, Victoria, Waterloo, Wellington and York, except from the 25th day of March to the 15th day of April; and

(d) in the Districts of Haliburton, Muskoka, Nipissing (south of the Mattawa River), Parry Sound and the County of Renfrew, except from the 1st day of April to the 21st day of April. 1936, c. 23, s. 4.

(3) It shall be unlawful for any person to hunt, take or kill any fisher, fox, marten, mink or otter or have in his possession the carcass, skin or any part of any fisher, fox, marten, mink or otter except between the 1st day of November and the 28th day of February next following. 1937, c. 27, s. 4.

(4) It shall be unlawful for any person to hunt, take or kill or have in possession the carcass, skin or any part of a raccoon except between the 1st day of November and the 31st day of December, both days inclusive.

(5) It shall be unlawful for any person to hunt, take or kill or have in possession the carcass, skin or any part of any black or grey squirrel except during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council. R.S.O. 1927, c. 318, s. 9 (4, 5).

#### PART IV.

##### LICENSES OR PERMITS REQUIRED.

**10.**—(1) Non-residents shall not hunt, take, kill, wound or destroy any animal or bird or carry or use a firearm or air gun for such purpose, except under the authority of a license, and in all actions and prosecutions under this subsection the possession of any firearm or air gun shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such animals or birds. R.S.O. 1927, c. 318, s. 10 (1).

License to  
hunt, trap,  
etc.

(2) No person shall hunt, take, trap, shoot, kill or molest, or attempt to hunt, take, trap, shoot, kill or molest any fur-bearing animal except under the authority of a license or permit, but this shall not apply to a farmer or his sons trapping upon the lands of such farmer, animals other than beaver during the various open seasons, nor shall this apply to the taking of wolf, or the shooting of fox during the open season, provided, however, that the possession of a license or permit authorized by this subsection shall be sufficient authority to enable a licensee to sell, pursuant to the provisions of this Act, fur-bearing animals or skins or pelts thereof, hunted, taken, trapped, shot or killed by such licensee under the authority of such license or permit. 1935, c. 23, s. 5; 1937, c. 27, s. 5 (1).

Exception  
as to  
farmers.

Authority  
to sell.

Use of dogs  
for hunting  
foxes.

(3) The Department may upon application by a resident of Ontario issue a permit authorizing the use of dogs for the hunting of foxes during the regular open season, in an area where deer are not usually found. 1930, c. 62, s. 7.

Use of  
firearms  
without  
license  
prohibited.

(4) Every resident who uses any firearm or air gun for the purpose of hunting or shooting any bird or animal except under the authority of a license, shall be guilty of an offence against this Act, but this subsection shall not apply to farmers residing and hunting on their own lands, and in all actions and prosecutions under this subsection, possession of any firearm or air gun shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such birds or animals, provided that such license shall not be sufficient authority to use or carry a rifle of greater calibre or projective power than the rifle commonly known as a "twenty-two calibre low-powered rifle" during the open season for deer or moose in areas which such animals inhabit or in which they are usually found. 1933, c. 19, s. 5 (2); 1936, c. 23, s. 5; 1937, c. 27, s. 5 (2).

Proviso.

Cold storage  
license.

**11.**—(1) It shall be unlawful for any person to engage in the business of cold storage of game except under the authority of a license.

Hotel,  
restaurant  
or club  
license.

(2) It shall be unlawful for any hotel, boarding-house, camp, restaurant or club to be in possession of any game except under the authority of a license.

Game  
dealer's  
license.

(3) It shall be unlawful for any person to buy, sell or expose for sale, game that may be legally sold, other than fur-bearing animals, except under the authority of a license, but this shall not apply to bear, but all pelts taken therefrom shall be subject to the provisions of section 29. R.S.O. 1927, c. 318, s. 11 (1-3).

(4) It shall be unlawful, except under the authority of a license, and as in this section expressly provided, for any person or any servant, clerk or agent of such person, to buy, sell, expose or keep for sale, directly or indirectly, on any pretence or device, for any valuable consideration, barter, give or obtain, to or from any other person, any moose, deer or caribou wherever killed or procured. R.S.O. 1927, c. 318, s. 11 (4); 1928, c. 52, s. 5.

Purchase and sale of moose, deer and caribou without license,—exceptions.

(5) Notwithstanding anything in this Act contained it shall be lawful for any person having received a permit from the Department for that purpose, to have in his possession and to buy or sell muskrat, beaver, raccoon and bear, provided that the same have been taken in a lawful manner and in the proper open season. 1932, c. 41, s. 6.

Selling muskrat, etc.

**12.** It shall be unlawful for any person to engage in, carry on or be concerned in tanning, dressing, plucking, dyeing, or in any way undertake to dress, tan, pluck or treat any fur-bearing animal or any raw or undressed skin or pelt of such animal upon which a royalty may be levied by the Government, except under the authority of a license. R.S.O. 1927, c. 318, s. 12.

Fur dresser's and tanner's license.

**13.—(1)** It shall be unlawful for any person to hunt, take, kill, molest, wound or destroy any deer, moose or caribou, except under the authority of a license. R.S.O. 1927, c. 318, s. 13.

Deer license.

(2) It shall be unlawful for any person to use or to be accompanied by any dog while hunting deer, moose or caribou, unless such dog be licensed under the provisions of this Act. 1935, c. 23, s. 6.

Dogs.

**14.** It shall be unlawful for any person to take, in any manner at any time, any fish or spawn from provincial waters for the purpose of stocking, artificial breeding or for scientific purposes, except under the authority of a permit or special license. R.S.O. 1927, c. 318, s. 14.

Special license or permit for taking fish or spawn.

**15.—(1)** It shall be unlawful, except under the authority of a license, for any person to own or operate a tourist outfitters' camp in that part of Ontario lying north of the Canadian National Railway line from Parry Sound to Pembroke, via Scotia, Madawaska and Golden Lake.

Tourist outfitters' camps.

(2) For the purpose of this section "tourist outfitter" shall mean any person catering to the tourist trade and operating a camp which supplies canoes, tents, sleeping bags, blankets, utensils or any other camping equipment and employing licensed guides. 1936, c. 23, s. 6.

"Tourist outfitter,"—meaning of.

Fur  
dealer's  
license.

**16.**—(1) It shall be unlawful for any person to engage in, or carry on, or be concerned in trading, buying or selling, or soliciting trade, or to be in possession of fur-bearing animals or skins or pelts thereof, except under the authority of a license. R.S.O. 1927, c. 318, s. 16.

Unlawful  
to trade  
with un-  
licensed  
person.

(2) It shall be unlawful for any person who is in possession of a license as provided by subsection 1, to trade, sell or barter, or be concerned in the trading, selling or bartering of any raw or undressed skins or pelts of fur-bearing animals with any person in Ontario, except where such person is in possession of a license as provided by the said subsection 1. 1937, c. 27, s. 6.

Gill nets.

**17.** It shall be unlawful for any person to buy, sell, or be in possession of gill nets without the authority of a license or permit. 1932, c. 41, s. 7.

License  
necessary  
to propa-  
gate game.

**18.**—(1) It shall be unlawful for any person to breed or propagate game, or to be in possession of game for such purpose, except under the authority of a license for such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council, provided, however, that the Deputy Minister may issue a permit to have in possession live game for scientific and educational purposes. R.S.O. 1927, c. 318, s. 17 (1); 1931, c. 69, s. 4 (1).

Permit to  
take game,  
etc., for  
educa-  
tional or  
scientific  
purposes.

(2) It shall be unlawful for any person to take game during the close season for educational or scientific purposes, except under the authority of a permit issued by the Deputy Minister. R.S.O. 1927, c. 318, s. 17 (2); 1931, c. 69, s. 4 (2).

Guide's  
license.

**19.**—(1) It shall be unlawful for any person for hire, gain or reward, or hope thereof, to guide for hunting, shooting or angling parties, except under the authority of a license, which may be issued upon such terms and conditions as may be prescribed by the Lieutenant-Governor in Council, and any person who engages or employs any person by hire, gain, reward or hope thereof, for the purpose of guiding hunting, shooting or angling parties, who is not in possession of a current guide's license, shall be guilty of an offence against this Act. R.S.O. 1927, c. 318, s. 18.

Employ-  
ment of  
guide when  
hunting  
moose.

(2) It shall be unlawful for any non-resident party of two or more persons, hunting together, to hunt moose without engaging and employing one licensed guide for every two persons in such hunting party.

Employ-  
ment of  
guide when  
angling.

(3) Where any non-resident owner, operator or other person in charge of any boat or vessel, brings such boat or vessel within the boundaries of Ontario under its own power, such



owner, operator or other person in charge shall, while any person is angling from such boat or vessel, engage and employ a licensed guide, provided however that the Minister may exempt any such non-resident from the provisions of this subsection where he deems it advisable having regard to the local conditions, and any person who violates the provisions of this subsection shall be guilty of an offence. 1937, c. 27, s. 7.

**20.**—(1) A license shall not be transferable and every person who buys, sells, exchanges or in any way becomes a party to the transfer of any license or shipping coupon, or in any way uses or attempts to use a license or coupon issued to any other person shall be guilty of an offence against this Act. Illegal transfer of license.

(2) A license may be cancelled by the Deputy Minister, subject to appeal to the Minister, for a contravention by the licensee, or by any person with his connivance, of this Act or of the regulations, or of any of the terms and conditions of the license, notwithstanding that no prosecution has been instituted or conviction had in respect of such contravention. Cancellation of license.

(3) The issue of a license shall be in the discretion of the Deputy Minister, subject to appeal to the Minister. License discretionary.

(4) It shall be unlawful for any person who has obtained a license or permit under the provisions of this Act and the regulations to refuse to produce or show such license or permit to any officer of the Department as often as reasonably requested, and upon failure or refusal, such license or permit shall be forfeited. R.S.O. 1927, c. 318, s. 19 (1-4). Production of license on demand.

(5) It shall be unlawful for any person who is not a resident British subject to be in possession of a license to hunt and trap fur-bearing animals, provided, however, that a non-resident hunting license shall permit the holder thereof to take bears and wolves. R.S.O. 1927, c. 318, s. 19 (5); 1933, c. 19, s. 7 (1). Trapping licenses issued only to resident British subjects.

(6) No person to whom a license has been issued shall be entitled to hunt, pursue, kill or take any game animal or bird unless at the time of such hunting, pursuing, killing or taking he shall have such license on his person and such licensee shall also wear in a conspicuous place any badge which may be furnished by the Department at the time of issue of such license, and any license with which at the time of the issue a badge was furnished shall not be valid unless the licensee is wearing the badge as required by this subsection. 1929, c. 82, s. 5; 1932, c. 41, s. 8; 1934, c. 19, s. 4. License to be carried on person. Badge to be worn.

License  
obtained by  
misrepresentation.

(7) Any person who is in possession of a license which has been obtained by false representations or by false or misleading statements made to the issuer thereof relative to the age, nationality, place of residence, or other information necessary to be furnished at the time of the issuance of such license, shall be deemed to be in possession of a license which is void and of no effect, and such person may be prosecuted under the provisions of this Act in the same manner and to the same effect as he could be prosecuted if he were not in possession of a license. 1933, c. 19, s. 7 (2).

Licenses  
not to be  
issued in  
blank.

**21.** It shall be unlawful for any issuer of licenses to issue, and for any person, while in a hunting camp or on his way to or from a hunting camp, to have in his possession a hunting license without the name of the licensee filled in, and any person contravening the provisions of this section shall be guilty of an offence against this Act. 1928, c. 52, s. 6.

Licenses  
not to be  
ante-dated.

**22.** It shall be unlawful for any issuer of licenses to issue and for any person to receive any license which has been ante-dated, and any person contravening the provisions of this section shall be guilty of an offence against this Act. 1930, c. 62, s. 8, *part*.

Unauthor-  
ized persons  
not to issue  
licenses, etc.

**23.** It shall be unlawful for any person other than a person authorized within the provisions of this Act to issue any licenses or collect any fees in respect of the same, and any person so doing shall be guilty of an offence against this Act. 1930, c. 62, s. 8, *part*.

## PART V.

### LICENSE FEES.

Hunting  
licenses.

**24.** A license may be issued,—

Non-  
residents.

(a) to non-residents and the fees and licenses shall be,—

\$15—for license to hunt and shoot bear, game birds and rabbits, together with a fee of fifty cents for the issuing of same;

\$25—for license to hunt and shoot deer, bear, game birds and rabbits, together with a fee of seventy-five cents for the issuing of same;

\$40—for license to hunt and shoot moose, deer, bear, game birds and rabbits, together with a fee of \$1 for the issuing of same; R.S.O. 1927, c. 318, s. 20, *part*; 1934, c. 19, s. 5; 1935, c. 23, s. 7 (1).

\$5—for license to hunt and shoot bear during the months of April and May, together with a fee of twenty-five cents for the issuing thereof; 1937, c. 27, s. 8.

- (b) to a resident of Ontario to hunt deer and the fee for such license shall be \$3.50, together with a fee of fifty cents for the issuing of the same, provided, however, that a farmer actually living upon and tilling his own land in the Districts of Haliburton, Muskoka, Parry Sound, Nipissing and Manitoulin and that part of the Province lying north and west thereof, may in the county or territorial district in which such farmer resides kill one deer for his own use during the regular open season upon paying a license fee of eighty cents, together with a fee of twenty cents for the issuing of same, but only one farmer's deer license may be procured by each household, and deer taken thereunder shall not be sold or bartered; R.S.O. 1927, c. 318, s. 20, cl. (b); 1933, c. 19, s. 8 (1). Residents  
of Ontario.
- (c) to organized hunting camps of residents of Ontario of not less than four in number, and one license for every four holders of resident deer licenses in organized hunting parties, and the fee for such license shall be \$3.50, together with a fee of fifty cents for the issuing of same; R.S.O. 1927, c. 318, s. 20, cl. (c); 1935, c. 23, s. 7 (2). Organized  
hunting  
camps.
- (d) to a resident of Ontario to hunt moose, and the fee for such license shall be \$5.50, together with a fee of fifty cents for the issuing of same; R.S.O. 1927, c. 318, s. 20, cl. (d); 1929, c. 82, s. 6. Moose.
- (e) to a resident of Ontario not under sixteen years of age to use firearms or air guns for hunting purposes as required under the provisions of subsection 4 of section 10, and the fee for such license shall be eighty-five cents, together with a fee of fifteen cents for the issuing of same; R.S.O. 1927, c. 318, s. 20, cl. (e); 1928, c. 52, s. 7; 1933, c. 19, s. 8 (2). For use of  
firearms.
- (f) to a resident British subject of Ontario to hunt and trap fur-bearing animals, and the fee for such license shall be \$4.50, together with a fee of fifty cents for the issuing of the same; R.S.O. 1927, c. 318, s. 20, cl. (f); 1933, c. 19, s. 8 (3). Hunt and  
trap.
- (g) for a dog used by or accompanying any person or persons while hunting deer, moose, or caribou, and the fee for such license shall be \$1.85, together with a fee Dog  
license.

of fifteen cents for the issuing of the same. 1935, c. 23, s. 7 (3).

Licenses. **25.** A license may be issued,—

- Cold storage.
- (a) to any person engaged in the business of cold storage of game, and the fee shall be in cities, \$5, and in towns and all other municipalities, \$2;
- Game dealers
- (b) to any person to buy and sell any game that may be legally sold, other than fur-bearing animals (excepting bear) and the fee shall be in cities, \$10, and in towns, \$5, and in all other places, \$2;
- Hotels, restaurants, or clubs.
- (c) to any hotel, boarding-house, camp, restaurant or club to buy, sell, or be in possession of any game, that may be legally sold, other than fur-bearing animals (excepting bear) and the fee shall be in cities, \$10, and in towns, \$5, and in all other places, \$2. R.S.O. 1927, c. 318, s. 21; 1933, c. 19, s. 9.

Fur dealers' licenses. **26.** A license may be issued to any person to buy and sell fur-bearing animals or the skins or pelts thereof, and the fees for such licenses shall be:—

For a resident British subject on specific premises, to be known as "store license" .....	\$25.00
For a resident British subject where premises are not designated, to be known as "travelling fur buyer" .....	100.00
For a resident of the Province who is not a British subject, and for a non-resident .....	200.00
For a resident British subject on specified premises, to be known as "wholesale license" .....	100.00
For non-resident wholesale buyers purchasing direct from holders of a "wholesale license" .....	5.00
For a resident British subject purchasing for personal use, restricted as to time and quantity, to be known as "restricted license" .....	1.00

R.S.O. 1927, c. 318, s. 22.

Tanner's license. **27.** A license may be issued to any person engaged in the business of dressing, plucking, dyeing, tanning or other process of curing skins of fur-bearing animals, and the fee for the same shall be \$10. R.S.O. 1927, c. 318, s. 23.



**28.** A license may be issued to any person owning or operating a tourist outfitters' camp and the fee for such license shall be \$10 in the case of residents, and \$25 in the case of non-residents. 1936, c. 23, s. 7.

Outfitters' licenses.

PART VI.

ROYALTIES ON FUR-BEARING ANIMALS OR PELTS THEREOF.

**29.** It shall be unlawful for any person to ship to any point outside of the Province, or attempt to take or ship to any point outside of the Province any fur-bearing animal or raw or undressed skin or pelt thereof or to have such animal, skin or pelt sent to a tanner or a taxidermist to be dressed or plucked or treated in any way without first having obtained a permit from the Department, and paying a royalty on each and every animal, skin or pelt, as follows:

Royalties.

Bear .....	\$ .60
Beaver .....	1.00
Fisher .....	1.50
Fox (cross) .....	1.50
Fox (red) .....	.50
Fox (silver or black) .....	5.00
Fox (white) .....	1.50
Fox (not specified) .....	.50
Lynx .....	1.00
Marten .....	1.00
Mink .....	.50
Muskrat .....	.05
Otter .....	1.00
Raccoon .....	.10
Skunk .....	.05
Weasel (Ermine) .....	.05
Wolverine .....	.40

Such royalties shall apply to any pelts that may become damaged or destroyed by any means, but shall not apply to silver, black, cross and blue fox and mink bred on fur farms operating within the Province under the authority of a license issued by the Minister, provided that satisfactory proof is furnished by the fur farm licensee, nor shall such royalties apply to pelts imported from outside of the Province, if an affidavit is furnished proving their place of origin to the satisfaction of the Department. 1937, c. 27, s. 9.

## PART VII.

## MISCELLANEOUS.

Special  
provision  
as to  
shooting.

**30.** Notwithstanding anything in this Act, a person who puts, breeds or imports game, other than fur-bearing animals, upon his own land for the purpose of breeding and preserving the same, may hunt, take or kill any such game during the regular open seasons for the territory in which such game is kept, but the onus of proof that the game was so put or bred shall rest on the person hunting or killing the same. R.S.O. 1927, s. 318, s. 26.

Muskrat,  
beaver and  
otter.

Protection  
to muskrat  
and beaver  
houses.

**31.**—(1) It shall be unlawful for any person to shoot or spear any muskrat, beaver or otter at any time, or to cut, spear, break or destroy at any time a muskrat or beaver house or beaver dam, or set or place a trap closer than five feet to a beaver house or muskrat house, burrow, feed-house or push-up. R.S.O. 1927, c. 318, s. 27 (1).

Dens of  
fur-bearing  
animals.

(2) It shall be unlawful for any person to molest or destroy a den or usual place of habitation of any fur-bearing animal, other than a wolf, bear or skunk. R.S.O. 1927, c. 318, s. 27 (2); 1937, c. 27, s. 10.

Possession  
of unprime  
skins un-  
lawful.

(3) Without lawful excuse, it shall be unlawful for any person to have in possession or in the possession of his servant or agent or any other person on his behalf at any time the skins of fur-bearing animals protected by this Act while such skin is in an unprime condition, except skins of muskrat taken in accordance with subsection 1 of section 32. R.S.O. 1927, c. 318, s. 27 (3).

When  
destruc-  
tion of fur-  
bearing  
animal  
lawful.

**32.**—(1) Nothing in this Act shall apply to any person destroying any fur-bearing animal, other than beaver, on his own lands in defence or preservation of his property by any means at any time, but skins so taken, of animals in respect of which there is a close season, shall be reported to the Department within ten days after the animals have been taken and shall not be offered for sale or barter during the close season except under the authority of a permit issued by the Deputy Minister, and any fur dealer possessing such skins shall hold the permit so issued, and forward same to the Department when applying for a license to ship out of the Province or to dress or tan the skins.

Onus of  
proof.

(2) The onus of proving the justification under subsection 1 shall be on the person destroying any such animals.

(3) The Deputy Minister may at any time by order in writing direct the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in Ontario in which, in the opinion of the Deputy Minister, beaver are causing damage to a highway or to private property, but all beaver so taken or killed shall be duly accounted for and handed over to the Department. R.S.O. 1927, c. 318, s. 28.

Beaver  
doing  
damage.

**33.**—(1) It shall be unlawful for any person at any time to hunt, kill, take or molest any female moose of any age, or any male moose under the age of one year, or any caribou under the age of one year. R.S.O. 1927, c. 318, s. 29.

Female  
moose,  
moose and  
caribou  
calves.

(2) It shall be unlawful for any person at any time to hunt, kill, take or molest any female deer of any age, or any male deer under the age of one year except as provided under subsections 3 and 4 of section 34.

Female  
deer, deer  
under one  
year.

(3) It shall be unlawful for any person to kill or molest any deer while such deer is swimming in the waters of any lake or river. 1935, c. 23, s. 9.

Swimming  
deer.

**34.**—(1) It shall be unlawful for a resident during any one year or season to kill or take more than one male deer over one year of age under a resident deer license, and one bull moose or caribou over one year of age, under the authority of a moose license, but this shall not apply to deer which are the private property of any resident, and which have been killed or taken by him or by his direction or with his consent in or upon his own land in accordance with the provisions of section 30. R.S.O. 1927, c. 318, s. 30 (1); 1935, c. 23, s. 10 (1).

Number of  
deer, etc.,  
which may  
be taken by  
residents.

(2) It shall be unlawful for a non-resident during any one year or season to kill or take more than one male deer over one year of age and one bull moose or caribou over one year of age under the authority of a non-resident hunting license. R.S.O. 1927, c. 318, s. 30 (2); 1935, c. 23, s. 10 (2).

Number of  
deer, etc.,  
which may  
be taken  
by non-  
residents.

(3) Notwithstanding the provisions of subsections 1 and 2, two or more persons hunting together and holding licenses, may kill one female deer of any age, or one male deer under the age of one year, for every two persons of such party, but in no case shall such persons be entitled to kill more than one deer for each person of the party. 1937, c. 27, s. 11 (1).

Aggregate  
kill.

(4) Notwithstanding the provisions of subsections 1 and 3 a resident hunting party of four or more persons having a camp license or camp licenses may in addition to the aggregate kill provided for by subsection 3, kill one deer for each camp license held by such party. 1937, c. 27, s. 11 (2).

Deer taken  
under camp  
license.

Police dog,  
use of  
prohibited.

**35.**—(1) It shall be unlawful for any person to use or to be accompanied by a dog commonly known as a police dog or any cross breed thereof, while hunting deer, moose or caribou. 1935, c. 23, s. 11, *part*.

Number of  
dogs which  
may be  
used.

(2) It shall be unlawful while hunting deer, moose or caribou,—

- (a) for one person to use or be accompanied by a dog;
- (b) for a party of two or three persons to use or to be accompanied by more than one dog;
- (c) for a party of four or five persons to use or be accompanied by more than two dogs;
- (d) for a party of six or seven persons to use or be accompanied by more than three dogs;
- (e) for a party of eight or more persons to use or be accompanied by more than four dogs. 1936, c. 23, s. 8.

Dogs not to  
run at large  
during close  
season.

(3) It shall be unlawful for the owner of any dog to permit such dog to run at large during the period of the close season for deer in a locality which deer, moose or caribou usually inhabit or in which they are usually found.

Who to be  
deemed  
owner  
of dog.

(4) Any person harbouring or claiming to be the owner of such dog shall be deemed to be the owner thereof and any dog found running deer, moose or caribou during the period of the close season for deer shall be deemed to be at large with the permission of the owner and may be killed on sight by any person, and such person shall not be liable to any penalty or damage therefor.

Lost dogs.

(5) Any person who loses a dog used in the hunting of deer or moose and is unable to find such animal at the termination of the hunt, shall report such loss to the Department in writing at once, giving a description of the dog and the locality in which it was lost.

Dogs not  
to be used  
in taking  
mink,  
beaver or  
otter.

(6) It shall be unlawful for the owner of any dog to use or permit to be used in any manner whatsoever such dog for the taking or killing of any mink, beaver or otter. 1935, c. 23, s. 11, *part*.

Flesh and  
skin not to  
be wasted.

**36.** No person who has taken or killed any bird, animal or fish, suitable for food shall allow the flesh thereof to be destroyed or spoilt, and no person who has killed or taken a fur-bearing animal shall allow the skin thereof to be destroyed or spoilt. R.S.O. 1927, c. 318, s. 32; 1933, c. 19, s. 12.



**37.**—(1) It shall be unlawful for any person during the close season to have in possession or in the possession of his servant or agent, or of any other person on his behalf, any game, wherever killed or procured, except that,—

Possession  
of game in  
close  
season.

(a) any deer, moose, caribou and bird protected by this Act and the regulations, lawfully killed or procured, may be kept during the period between the end of the open season in any year and the 31st day of March in the following year, unless otherwise provided for under the regulations;

(b) any skins or pelts of fur-bearing animals taken in Ontario may be had in possession during the close season under the authority of a holding permit, provided, however, that such holding permit must be applied for within ten days after the end of the open season, and the skins or pelts of fur-bearing animals taken outside of Ontario may be had in possession during the close season under the authority of a holding permit which must be applied for within forty-eight hours after such pelts are received. R.S.O. 1927, c. 318, s. 33.

(2) Provided, however, that any person who has lawfully taken and is in lawful possession of any deer or moose, may donate to any other person for his own use or for the use of the immediate family of such other person, any portion of such deer or moose provided that there is attached to such donated portion a statement signed by such donor setting forth the full name and address of such donor, and the number of the license under which such animal was taken. 1933, c. 19, s. 13.

Donation  
of deer or  
moose.

**38.**—(1) It shall be unlawful for any person to sell or purchase any quail, pheasant, European gray partridge (commonly known as Hungarian partridge), ruffed grouse (commonly known as partridge), prairie chicken, pinnated grouse, deer, moose or caribou, or to expose such animals, birds or fowl on any commercial premises or for any restaurant, camp, boarding-house, hotel or club to have such animals, birds or fowl served or mentioned on a bill of fare.

Purchase  
or sale  
of quail,  
pheasant,  
etc., pro-  
hibited.

(2) Notwithstanding the provisions of subsection 1, it shall be lawful for any person to propagate, buy or sell any pheasant or quail under the authority of a license issued on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council. 1937, c. 27, s. 12.

Authority  
to buy, etc.,  
pheasant  
or quail.

**39.**—(1) It shall be unlawful for any person to take or kill, or attempt to take or kill, any game by use of poison, or

Use of  
poisons  
prohibited.

for a trapper to be in possession of poison. R.S.O. 1927, c. 318, s. 35.

Poisoning  
wolves.

(2) Notwithstanding the provisions of subsection 1, the Department may issue to a limited number of expert trappers, permits authorizing the use of poison for the taking of wolves. 1929, c. 82, s. 7.

Deer, etc.,  
not to be  
taken by  
traps or  
snares.

**40.**—(1) It shall be unlawful for any person to trap or take any deer, moose, caribou, or any game bird protected by this Act and the regulations, by means of traps, nets, snares, baited line or other similar contrivances, or to set such traps, nets, snares, baited line, or contrivance for such animals or birds at any time, and the same, if so set, may be destroyed by any person without incurring any liability for so doing. R.S.O. 1927, c. 318, s. 36.

Use of  
snares in  
certain  
counties  
prohibited.

(2) It shall be unlawful for any person to use snares for any purpose in the Counties of Victoria, Peterborough, Hastings, Lennox, Addington, Frontenac, Leeds, Grenville, Peel and Carleton. 1932, c. 41, s. 11; 1937, c. 27, s. 13.

When  
snares  
prohibited.

(3) It shall be unlawful for any person to use snares for any purpose in any part of Ontario during the open season for deer and moose in such part. 1936, c. 23, s. 9.

Hunting  
rabbits.

(4) It shall be unlawful for any person when using ferrets in the hunting of rabbits to make use of, in addition to a ferret, the hands or any contrivance whatever other than a firearm in the actual taking of rabbits at such time. 1932, c. 41, s. 12.

When  
shooting  
prohibited.

**41.** It shall be unlawful for any person to discharge any air gun, gun or other firearm in any locality where game is usually found between sunset on Saturday night and sunrise on Monday morning following (standard time) or between sunset and sunrise (standard time) at any other time. R.S.O. 1927, c. 318, s. 37.

Shooting  
for hire  
prohibited.

**42.** It shall be unlawful for any person for hire, gain or reward or hope thereof, to hunt, kill or shoot any game, or employ, hire or for valuable consideration induce any other person so to do. R.S.O. 1927, c. 318, s. 38.

Live birds,  
eggs and  
nests not  
to be  
taken.

**43.** It shall be unlawful for any person to take, destroy, or have in possession at any time any live bird protected by this Act and the regulations, or the eggs or nests of such birds, but this shall not apply to any person who is in possession of a license or permit issued or approved of by the Department to engage in the business of propagating such birds, or to take or

have in possession such birds' eggs or nests for educational or scientific purposes. R.S.O. 1927, c. 318, s. 39.

**44.** It shall not be lawful for any person at any time to carry a loaded air gun, shotgun or rifle in or on, or discharge the same from a motor car or other vehicle, and an air gun, shotgun or rifle carrying loaded shells or cartridges in the magazine shall be deemed to be loaded within the meaning of this section. R.S.O. 1927, c. 318, s. 40.

Carrying loaded firearms in motor cars, etc., prohibited.

**45.** It shall be unlawful for any person to hunt or carry for that purpose any shotgun of the description known as "automatic" in which the recoil is utilized to reload the gun, provided that this section shall not apply to any automatic shotgun which has been reconstructed and plugged so as to be incapable of holding more than two shells at one time, one shell in the barrel and the other in the magazine. R.S.O. 1927, c. 318, s. 41; 1937, c. 27, s. 14.

Automatic shotguns prohibited.

**46.**—(1) It shall be unlawful for any person employed in any lumber camp or in connection with the construction or maintenance of any railway or public work to have in possession in the vicinity of such lumber camp, railway or other public work, any gun or other firearm except as may be authorized by special permit, but this shall not apply to a resident employed by a railway company, provided that such employee does not carry or be in possession of a firearm on a railway velocipede or handcar, whether propelled by hand or motor power. R.S.O. 1927, c. 318, s. 42 (1).

Certain employees not to carry or possess firearms.

(2) During the open season for deer and moose, a license to hunt deer or moose shall be deemed to be a special permit within the meaning of this section. 1936, c. 23, s. 10.

Special permit.

**47.**—(1) It shall be unlawful for any person to tear down, remove, injure, deface or interfere with any notice or sign posted or placed under the authority of the Department. R.S.O. 1927, c. 318, s. 43.

Interfering with notices prohibited.

(2) It shall be unlawful for any person to have in his possession, or to carry or use on Crown lands which have been designated by the Lieutenant-Governor in Council as a Crown game preserve, any firearm, trap or snare or any instrument for hunting, trapping, catching or killing any bird or animal except as permitted by this Act or regulations made thereunder. 1933, c. 19, s. 15.

Prohibition against use of firearms on Crown game preserves.

Setting  
apart  
waters for  
the propa-  
gation of  
fish.

**48.** The Minister may authorize to be set apart any waters for the natural or artificial propagation of fish. R.S.O. 1927, c. 318, s. 44.

Fishing in  
protected  
waters  
prohibited.

**49.**—(1) It shall be unlawful for any person to angle for or take fish by any means from any waters protected by this Act and the regulations, or in waters set apart for the propagation of fish, but this shall not apply to the taking of fish under authority given by the Department for the stocking and rearing of fish for public waters. R.S.O. 1927, c. 318, s. 45 (1); 1932, c. 41, s. 13.

Nets or  
poles to be  
marked  
with name  
of owner.

(2) Every net that is set for the taking of fish shall have attached thereto a buoy at each end, when in use, and every pole used for setting baited hooks, pursuant to the regulations, shall have the name of the owner legibly marked on two pieces of metal or wood, attached to it, and the marks shall be preserved on such nets or poles during the fishing season so as to be visible without taking up the nets or poles, and any such net or pole without such marks, together with the hooks attached thereto, shall be liable to confiscation.

Joint  
liability of  
owner and  
agent.

(3) Where a fishery is in charge of any person other than the owner, either as occupant or servant and any of the provisions of this Act and the regulations are contravened by any such person or by any owner, they shall be jointly and severally liable for all penalties incurred and all money recoverable in respect to such contravention.

Disputes,—  
adjust-  
ment of.

(4) Disputes between persons relative to fishing limits, or claims to fishery locations or stations, or to the position and use of nets and other fishing apparatus, shall be settled by the local overseer subject to appeal to the Deputy Minister.

Restriction  
on angling  
in licensed  
waters.

(5) It shall be unlawful for any person to angle for purposes of sale or traffic in fishing grounds or waters licensed for the express purpose of net fishing and occupied by the licensee for such purpose, or to angle for any purpose within twenty-five yards of a pound net. R.S.O. 1927, c. 318, s. 45 (2-5).

Prohibition  
against  
selling, etc.,  
certain fish.

(6) It shall be unlawful for any person to sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of any small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout and Aurora trout, provided that the Minister may by permit or license allow the sale of speckled trout, brown trout, rainbow trout and Aurora trout where such trout is propagated by such permit or license holder.

Idem.

(7) It shall be unlawful for any person to sell, offer for sale, purchase or barter, or be concerned in the sale, purchase



or barter of yellow pickerel, (pike-perch or dore), pike, lake trout or sturgeon which were taken from provincial waters by angling or which were taken in any other manner by any person without a license issued under this Act.

(8) It shall be unlawful for any person to buy, sell or have in his possession any fish or portion of any fish, taken from provincial waters during the time when fishing for such fish is prohibited by this Act or the *Fisheries Act* (Canada).

Prohibition  
against  
buying,  
selling and  
having fish  
taken out  
of season.  
R.S.C. c. 73.

(9) It shall be unlawful to export from Ontario any large-mouthed or small-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout or Aurora trout no matter where procured, provided that any non-resident angler fishing in provincial waters under a license may upon leaving the Province, take with him the lawful catch of one day's fishing, such catch to be accompanied by a shipping coupon furnished with and detached from such license. 1937, c. 27, s. 15.

Prohibition  
against  
exporting  
certain fish.

**50.**—(1) It shall be unlawful for any person to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act and the regulations, without the written consent of the Deputy Minister.

Transfer of  
right or  
privilege.

(2) If an error has been made in the issuing of any license or permit from any cause, such license or permit may be cancelled by the Deputy Minister, but the licensee or permittee shall have no claim for indemnity or compensation in connection therewith, other than the adjustment of any excess fee collected. R.S.O. 1927, c. 318, s. 46.

Licensee or  
permittee  
not entitled  
to compensation  
in case of  
error.

**51.** It shall be unlawful for any hotel, restaurant, boarding-house, camp or club to serve as a part of a meal any game or fish under any pretended name, or to serve any article of food under a false name and classified as any game or fish, the sale of which is prohibited under the provisions of this Act and the regulations. R.S.O. 1927, c. 318, s. 47.

Supplying  
under pre-  
tended name  
unlawful.

**52.** It shall be unlawful for any employee of a railway company, express company, or other common carrier, or any person engaged in the business of cold storage, or dealing in game and fish, lumbering, or in charge of any camp near any fishery or near any place where game is usually found, or any person holding a license or permit issued by the Department, or any person owning or in charge of a motor vehicle, aeroplane or any other flying machine, to refuse any officer permission to enter and inspect any railway car, building, premises, enclosure or motor vehicle,

Inspection  
to be faci-  
tated by  
licensees,  
permittees  
and others.

aeroplane, or any other flying machine, or any receptacle, for the purpose of examining all game and fish taken, and all implements and appliances for hunting and fishing, or for any of the persons named in this section to refuse an officer to examine any book, invoice or document containing any entry or memorandum relating to fish and game, which the officer suspects to be illegally killed or possessed, and all such parties shall afford every reasonable facility for such search, and in the case of a refusal, the officer may, without a search warrant, break any lock or fastening that may be necessary in order to conduct such examination. R.S.O. 1927, c. 318, s. 48; 1929, c. 82, s. 9.

Transport-  
ing deer,  
moose or  
caribou.

**53.**—(1) It shall be unlawful for any railway or express company, or other common carrier, or any other person or persons to transport or cause to be transported, or receive or have in possession any deer, moose or caribou, or any head, or other part thereof, unless there is attached thereto one of the shipping coupons belonging to a license, but this shall not apply to shipments of pelts from such animals legally taken. R.S.O. 1927, c. 318, s. 49 (1).

Duty of  
express  
company,  
etc., as to  
transporta-  
tion of  
moose head  
and antlers.

(2) It shall be unlawful for any railway or express company or other common carrier, or any other person, to transport or cause to be transported the head or antlers, or both, of any moose, unless at the time when the head or antlers, or both, are received by such railway or express company or other common carrier, or other person or persons, there are produced to such railway or express company, or other common carrier, or other person, at least the two hind quarters of the carcass from which the head or antlers, or both, were removed. 1935, c. 23, s. 13.

Transport-  
ing deer,  
moose or  
caribou in  
close  
season.

(3) It shall be unlawful for any railway or express company, or other common carrier, or any other person or persons to transport, or cause to be transported, or receive or have in possession any deer, moose or caribou, or any part thereof, during the close season, or after the expiry of the shipping coupon attached thereto, except under the authority of a permit issued by the Department.

Deer,  
moose, etc.  
—without  
shipping  
coupon.

(4) If an affidavit, satisfactory to the Department, is furnished, a permit may be issue at any time to transport moose, deer or caribou, or any part thereof, that has been legally taken. R.S.O. 1927, c. 318, s. 49 (2, 3).

Prohibition  
against  
concealing  
carcass  
during  
trans-  
portation.

(5) It shall be unlawful for any person or persons, during the transporting of any deer, moose, or caribou, or any head or other part thereof, to conceal, or attempt to conceal the carcass, or any part of the carcass of any such deer, moose or caribou. 1933, c. 19, s. 16.

**54.**—(1) There shall be attached to every hunting license one or more shipping coupons plainly marked with the description of the game for hunting which the license is issued, and there shall be printed or stamped upon the coupon the date when it will expire, which shall not be later than four days after the last day of the open season for which the license is issued.

Coupons to be attached to hunting license.

(2) Where any deer, moose or caribou, or any part thereof, is presented for shipment, a coupon shall be detached from the license and signed by the person to whom the license is issued in the presence of the shipping agent or clerk in charge of the office at such point of shipment, and attached to each deer or other animal or part thereof or to the receptacle in which it is contained, and thereupon such shipping agent or clerk shall write across the face of the coupon the word "cancelled," provided, however, where any deer, moose or caribou or any part thereof is being transported other than by a common carrier, the coupon must be attached to such animal and cancelled by the licensee before transporting same.

Detachment and cancellation of coupon.

(3) It shall be unlawful for any person to contravene any provision of subsections 1 and 2, or use a coupon after the expiry thereof, or ship or assist in the shipping of anything without a coupon to which a coupon is required. R.S.O. 1927, c. 318, s. 50.

Contravention.

**55.** Nothing contained in this Act or the regulations shall prevent the importation of game if accompanied by an affidavit satisfactory to the Department, that the same was legally taken. R.S.O. 1927, c. 318, s. 51.

Game imported.

**56.** It shall be unlawful for any railway or express company or other common carrier, or any other person, to receive or have in possession, or to ship or transport to any point or place any fish or game caught or killed within Ontario at a time or in a manner prohibited by law. R.S.O. 1927, c. 318, s. 52.

Transporting fish or game illegally caught.

**57.** The Department may issue permits not inconsistent with any law of Canada, authorizing the exportation from the Province or the transportation within the Province, at any time, of any fish or game whether alive or dead. R.S.O. 1927, c. 318, s. 53.

Export permits for fish or game.

**58.** All receptacles, including bags, boxes, baskets, crates, hand baggage, trunks, packages and parcels of every kind in which the skins of fur-bearing animals or the skins or pelts of protected animals, game or fish are packed for transportation shall be plainly marked on the outside in such manner as to

Marking receptacles for fish or game.

give a list and description of the contents, and the name and address of the consignee and consignor, and this shall apply to pelts, skins, game or fish when being transported by hand or otherwise, and shipments of skins or pelts of fur-bearing animals shall only be made either by express or by parcel post, unless otherwise authorized by permit issued by the Department. R.S.O. 1927, c. 318, s. 54; 1933, c. 19, s. 17.

Exporting  
deer, etc.,  
by holders  
of non-  
resident  
licenses.

**59.**—(1) It shall be unlawful for any non-resident, entitled to hunt or shoot in Ontario by virtue of a license under this Act, to export in any one open season game actually and lawfully killed by him in excess of the following: one deer, one bull-moose or caribou, one hundred ducks, and bears or bear pelts provided an export permit has been secured in accordance with the provisions of section 29, when exporting bears or bear pelts.

Shipping  
coupons.

(2) The shipping coupon belonging to such license shall be attached to every such animal or to the receptacle containing it or any part of it, or containing any ducks. R.S.O. 1927, c. 318, s. 55.

Refund-  
ing fee.

**60.** The Minister may direct the refund of the fee paid for any license, or any part of such fee, where, owing to the license not having been used, or having been used for part only of the period for which it was issued he deems it just so to do, and the Treasurer of Ontario, upon the written request of the Minister, shall cause a cheque to be issued for the amount of such refund. R.S.O. 1927, c. 318, s. 56.

Taking and  
dealing  
with fish.

**61.**—(1) The Minister may, by the officers and employees of the Department, take from the waters of Ontario fish of any kind, and may cause the same to be stored, transported, distributed and sold in such quantities and at such prices and upon such terms as the Minister may determine.

Appoint-  
ment of  
officers,  
clerks and  
servants.

(2) The Minister may employ such officers, clerks and servants as he may deem necessary for the purposes of this section, may define their duties and powers and fix the salaries or other remuneration payable to them.

Expenses,  
how  
payable.

(3) The expenses of carrying out this section shall be payable out of any moneys appropriated by the Legislature for that purpose, and any moneys received from sales or otherwise under this section shall be duly accounted for and be paid over into the Consolidated Revenue Fund. R.S.O. 1927, c. 318, s. 57.



## PART VIII.

## ADMINISTRATION.

**62.**—(1) There shall be a Deputy Minister of Game and Fisheries, officers, servants and other persons, who shall be appointed by the Lieutenant-Governor in Council, and shall perform such duties as may be assigned to them by the Minister or the Deputy Minister. Deputy Minister, and others.

(2) The Deputy Minister shall, before entering upon his duties, take and subscribe an oath to faithfully perform the same, which shall be administered by the Minister or by some person appointed by the Lieutenant-Governor in Council for that purpose. Oath.

(3) For the purposes of *The Public Service Act*, the Game and Fisheries Branch shall be deemed a department and the Deputy Minister shall have and perform the like powers and duties as are conferred or imposed upon a Deputy Minister by that or any other Act in like cases. Game and Fisheries Branch to be a department. Rev. Stat., c. 15.

(4) An officer shall, before acting, take and subscribe the following oath: Oath to be taken before acting.

I, A.B., Inspector (*or as the case may be*) appointed under the provisions of *The Game and Fisheries Act*, do swear that to the best of my judgment I will faithfully, honestly and impartially execute and perform the office and duty of such Inspector (*or as the case may be*) according to the true intent and meaning of *The Game and Fisheries Act* and the regulations. So help me God.

R.S.O. 1927, c. 318, s. 58 (1-4).

(5) The Deputy Minister, Assistant Deputy Minister, inspectors and district superintendents shall be justices of the peace in and for every county or district for the purposes of this Act and the regulations, and may take informations and issue warrants or summonses in any county or district, returnable in the county or district in which the offense is alleged to have been committed. R.S.O. 1927, c. 318, s. 58 (5); 1930, c. 62, s. 12. Officers authorized to act as justices of the peace.

**63.**—(1) Subject to the approval of the Minister, the Deputy Minister may appoint such officers, servants and other persons as he may deem necessary for the enforcement of the provisions of this Act and the regulations, and may determine the remuneration to be paid for the services of such officers, servants and other persons, and may in his discretion dismiss any of them. R.S.O. 1927, c. 318, s. 59 (1). Officers appointed.

Officers'  
powers.

(2) An officer shall have the authority of a constable for the purposes of this Act and the regulations and shall have authority to stop and search without a search warrant, any vehicle, aeroplane or any other flying machine, boat or launch or any railway car, including a caboose, baggage or express car and to enter and search without a search warrant any hunting camp, mining camp, lumber camp and construction camp, where the officer has reasonable grounds to believe that such railway car, vehicle, aeroplane or any other flying machine, boat or launch or hunting camp, mining camp, lumber camp and construction camp contains any fish or game illegally taken. 1933, c. 19, s. 18.

Arrest  
on view.

(3) Every officer on view of a violation of this Act or the regulations, may arrest the person committing same, without process, and bring him with reasonable diligence before a competent court to be dealt with according to law. R.S.O. 1927, c. 318, s. 59 (3).

Duty to  
search.

(4) Every officer, if he has reason to suspect and does suspect that game or fish have been killed, taken or shipped or are had in possession contrary to the provisions of this Act or the regulations, and are contained in any trunk, box, bag, parcel or receptacle, shall open the same, entering all premises, which under the provisions of this Act he is authorized to enter, and using necessary force, in case the owner or person in charge obstructs or refuses to facilitate his search, and if such officer has reason to believe and does believe that it is necessary to enter any store, private house, warehouse or building, which he is not under the provisions of this Act authorized to enter without a search warrant, he shall make a deposition, before a justice of the peace, and demand a search warrant to search such store, private house, warehouse or building, and thereupon such justice of the peace may issue a search warrant. R.S.O. 1927, c. 318, s. 59 (4); 1928, c. 52, s. 9 (2).

Duty  
to seize.

(5) Every officer shall forthwith seize all game and fish and all boats, vehicles, motor cars, aeroplanes, air guns, guns, decoys, nets, lines, tackle, appliances, materials and articles used or had in possession contrary to the provisions of this Act or the regulations, and shall deal with them according to law.

Duty to  
investi-  
gate and  
prosecute.

(6) Every officer shall investigate all violations of this Act or the regulations brought to his notice, and prosecute every person whom he may have reasonable cause to believe guilty of any offence.

Right of  
passage.

(7) In the discharge of his duties, every officer and every person by him accompanied, or authorized for that purpose, may enter upon and pass through or over private property, without being liable for trespass.

(8) Every officer may inspect all camps occupied by angling and hunting parties, and may direct what arrangements shall be made in regard to sanitary matters, the disposal of refuse and the extermination of fires.

Inspection  
of camps.

(9) Any person who obstructs, hinders, delays or interferes with an officer in the discharge of his duty, by violence or by means of threats, or by giving false information, or in any other manner, shall be guilty of an offence against this Act.

Obstruct-  
ing officers  
in the  
discharge of  
their duty.

(10) It shall be unlawful for any officer or other person authorized to enforce the provisions of this Act and the regulations, to neglect or refuse to perform any of the duties pertaining to his office.

Neglect  
to fulfil  
duties.

(11) Any officer who maliciously abuses his power shall be guilty of an offence against this Act. R.S.O. 1927, c. 318, s. 59 (5-11).

Abuse of  
power.

(12) Upon permit being granted therefor by the Minister or Deputy Minister, it shall be lawful for officers appointed under subsection 1 and in possession of such permit to carry arms and accoutrement for the purpose of self-defence. 1932, c. 41, s. 14.

Arms and  
accoutre-  
ment.

**64.**—(1) Subject to the approval of the Minister, the Deputy Minister may appoint deputy game and fishery wardens, in and for any part of Ontario, and may in his discretion dismiss them, but all such appointments shall expire annually on the 31st day of December.

Deputy  
game and  
fishery  
wardens,—  
appoint-  
ment, etc.

(2) Deputy game and fishery wardens shall be appointed without salary.

Remunera-  
tion.

(3) Deputy game and fishery wardens shall have the authority of constables for the purposes of this Act and the regulations. R.S.O. 1927, c. 318, s. 60.

To have the  
authority  
of const-  
ables.

## PART IX.

### PROHIBITIONS.

**65.**—(1) It shall be unlawful for any person, at any time, to enter with any sporting implement or fishing rod or tackle in his possession, or permit his dogs to enter into any growing or standing grain, without the permission of the owner, or to hunt, shoot or fish or with any sporting implement, fishing rod or tackle in his possession to go upon any enclosed or unenclosed land or water after having had notice not to hunt, shoot or fish thereon.

Prohibition  
as to enter-  
ing stand-  
ing grain,  
etc., after  
notice.

"Owner,"—  
meaning of.

- (a) In this section "owner" shall mean and include every person being the owner of an interest in any land entitling him to the possession thereof, but shall not include the holder of a timber license. 1933, c. 19, s. 19 (1).

Notice of  
prohibition.

- (2) The notice may be given,—

- (a) in writing;
- (b) by maintaining sign-boards at least one foot square and not more than eighty rods apart on or near the boundary of the land intended to be protected, or upon the shores of any water covering the same, or any part thereof, containing a notice in the following form or to the like effect: "Hunting, shooting, or fishing is prohibited." R.S.O. 1927, c. 318, s. 61 (2); 1933, c. 19, s. 19 (2).

Unlawful  
erection of  
notices.

- (3) It shall be unlawful for any person,—

- (a) without authority to put up or cause to be put up any such notice on any land of which he is not the owner or to the possession of which he is not entitled; or
- (b) to tear down, remove, injure, deface or interfere with any notice lawfully put up.

Section not  
to affect  
remedy at  
common  
law for  
trespass.

- (4) Nothing in this section shall limit or in any way effect the remedy at common law of any owner for trespass. R.S.O. 1927, c. 318, s. 61 (3, 4).

Prohibition  
as to tres-  
passing on  
experi-  
mental  
farms.

- (5) It shall be unlawful for any person to trespass upon or, without proper authority to enter upon, the lands which are the property of the Crown, designated as "Experimental fur-farms, bird farms, or trout-rearing stations," or to climb over, break, or cut through the fences surrounding such lands for the purpose of entering thereon, or while on such lands to be in possession of, or to carry or use any spear, firearm, fishing net, fishing tackle, night line, or other contrivance or instrument for the hunting, trapping, fishing, spearing, catching or killing of any fish, bird or animal, except as may be permitted by this Act or the regulations. 1933, c. 19, s. 19 (3).

## PART X.

### PROCEDURE—EVIDENCE—PENALTIES.

Prosecu-  
tions,  
before  
whom  
taken.

**66.**—(1) Prosecutions for offences against or for the recovery of penalties imposed under the authority of this Act, or the *Fisheries Act* (Canada), or the Special Fishery Regu-



lations for the Province of Ontario, may be brought and heard before any person authorized by this Act to act as a justice of the peace, notwithstanding anything in any other Act or Acts, or before any magistrate for the county, district, village, town or city in which the offence was committed, or if near any boundary between the different counties or districts, then in either.

R.S.C.,  
c. 73.

(2) The information or complaint shall be laid within twelve months after the commission of the offence, except in the case of a prosecution for omission to make any return required by this Act or the regulations.

Limitation.

(3) A contravention of this Act or of the regulations or the terms or conditions of a permit or license shall be and may be stated as an offence against this Act.

Offences.

(4) The description of an offence, in the words either of this Act or of the regulations, or in any similar words, shall be sufficient, and an information or complaint may be for two or more offences.

Description  
of offence.

(5) Any person authorized by this Act to act as a justice of the peace for the purposes thereof, may upon his own view convict for any offence against this Act or the regulations.

Conviction  
on view.

(6) A violation of this Act or the regulations shall constitute a separate offence in respect of each animal or bird which is the subject thereof.

Separate  
offences.

(7) Upon the trial of any prosecution under this Act or the regulations, the justice shall, if it appears that more than one offence of the same kind was committed at the same time, or on the same day, impose all the penalties in one conviction.

Offences of  
same kind  
on same  
day.

(8) The justice shall, by the conviction, adjudge that the offender be imprisoned for any term not exceeding three months unless the penalty, the costs and charges of prosecution and commitment, and of conveying the offender to prison, are sooner paid.

Committal  
on non-  
payment  
of fine.

(9) A conviction or order made in any manner arising under this Act or the regulations, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorized to appeal, shall not be removed by *certiorari* or otherwise either at the instance of the Crown or any private person into the Supreme Court.

Defects  
of form.

(10) In all prosecutions under this Act or the regulations, save when herein otherwise provided, the procedure shall be governed by *The Summary Convictions Act*. R.S.O. 1927, c. 318, s. 62.

Procedure.

Rev. Stat.,  
c. 136.

Onus of  
proof.

**67.**—(1) In all actions and prosecutions under this act or the regulations, or regarding conditions of licenses or permits, the onus shall be upon the person to prove that such game, fish, or any part thereof, was lawfully taken, killed or procured.

Finding  
nets to be  
evidence.

(2) The finding of any net, fishing device or other article set in violation of this Act or the regulations, shall be *prima facie* evidence of the guilt of the person owning, possessing or operating the same.

Posses-  
sion, etc.

(3) In all actions and prosecutions under this Act or the regulations, the possession of a gun, decoy, or other implement for shooting or hunting in or near any place where any game is likely to be found, shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such game. R.S.O. 1927, c. 318, s. 63.

Penalty for  
violation  
of license  
or permit.

**68.**—(1) Any licensee or permittee who violates the conditions of his license or permit, shall for each offence incur a penalty of not less than \$10, and not more than \$300. R.S.O. 1927, c. 318, s. 64 (1).

Penalties  
as to deer,  
etc.

(2) Any person who commits an offence against the Act or the regulations in respect of deer, moose, wapiti (North American elk) or caribou, shall for each such offence incur a penalty of not less than \$20, and not more than \$100. R.S.O. 1927, c. 318, s. 64 (2) ; 1934, c. 19, s. 7.

Penalties  
as to  
beaver,  
otter,  
fisher or  
marten.

(3) Any person who commits an offence against this Act or the regulations in respect to beaver, otter, fisher or marten or the skins or pelts of such animals, other than the exporting thereof, shall for each such offence incur a penalty of not less than \$20, and not more than \$100 for each pelt the subject thereof.

Penalties  
as to  
exporting  
beaver,  
otter,  
fisher or  
marten.

(4) Any person who commits an offence against this Act or the regulations in respect to the exporting of beaver, otter, fisher or marten, or the skins or pelts thereof, shall for each offence incur a penalty of not less than \$30, and not more than \$200, for each skin or pelt the subject thereof.

Penalties  
as to fur-  
bearing  
animals  
other than  
beaver,  
otter,  
fisher or  
marten.

(5) Any person who commits an offence against this Act or the regulations in respect to any fur-bearing animal upon which a royalty is levied under the provisions of section 29, other than beaver, otter, fisher or marten, shall for each such offence incur a penalty of not less than \$1, and not more than \$20, for each skin or pelt the subject thereof. R.S.O. 1927, c. 318, s. 64 (3-5).

(6) Any person who commits an offence against the provisions of subsection 2 of section 47 shall for each offence incur a penalty of not less than \$50, and not more than \$500. 1933, c. 19, s. 20, *part*. Penalties.

(7) Any person who commits an offence against the provisions of subsection 5 of section 65 shall for each offence incur a penalty of not less than \$100, and not more than \$500. 1933, c. 19, s. 20, *part*. Penalties.

(8) Except as herein otherwise provided, any person who commits any offence against this Act or the regulations shall for each such offence incur a penalty of not less than \$10, and not more than \$100. Penalties.

(9) Any person who after having been convicted of an offence against this Act or the regulations, within two years again offends against this Act or the regulations, shall incur a penalty of not less than double the minimum penalty provided for the offence, and upon a third or subsequent conviction at any time thereafter shall incur a penalty of not less than the maximum penalty provided for the offence. Second and third offences.

(10) Any person convicted of obstructing, hindering, delaying or interfering with an officer in the discharge of his duty by violence or by means of threats, or by means of giving false information or in any other manner, shall for each such offence incur a penalty of not less than \$100, and not more than \$500. Obstructing officers.

(11) No justice shall have power to remit any penalty or to reduce the amount of the penalty in case of conviction, provided, however, that when the penalty amounts to more than \$200 the Minister may remit the excess thereof. R.S.O. 1927, c. 318, s. 64 (6-9). Remission or reduction of penalties.

**69.**—(1) All motor vehicles, aeroplanes, guns, ammunition, boats, skiffs, canoes, punts, and vessels of every description, decoys, nets, rods, lines, tackle and all appliances of every kind used for hunting and fishing, and all game and fish, together with packages, crates or containers of every description found in the possession of any person deemed to have committed an offence against this Act or the regulations shall be seized, and upon conviction be forfeited and become the property of His Majesty in the custody of the Department to be sold, provided, however, that where a seizure has been made from an unknown party, or where no legal action has been taken regarding any seizure where a violation of this Act or the regulations has occurred, the Department may sell any article seized. Seizure and confiscation of game and other property.

Unlicensed  
seines to  
be seized.

(2) Any seine net found in or in the vicinity of waters in which fishing by seines is prohibited, or found in or in the vicinity of waters in which fishing by seines is permitted, where such net is not claimed within two days by a person who is licensed so to fish, shall be seized and forfeited and become the property of His Majesty in the custody of the Department to be sold.

Relief from  
forfeiture  
in certain  
cases.

(3) Where the Minister is satisfied that the seizure or confiscation of any article or thing would work undue hardship or injustice and the value of such article is in excess of \$100, the Minister may grant relief against such forfeiture and direct the return of the article or thing to the person from whom the same has been taken, upon such terms as he may deem just.

Disposal.

(4) The Deputy Minister may authorize any officer to destroy any article placed under seizure that is at all times unlawful, or any article having no commercial value, and may also authorize any perishable game or fish to be given to any charitable institution.

Conviction  
to cancel  
license.

(5) A license or permit held by any person convicted of an offence against this Act or the regulations, or the Special Fishery Regulations for the Province of Ontario, shall be deemed to be cancelled upon conviction, without further action or notice, but the Minister may authorize the reinstatement of any license or permit where the cancellation thereof has been made by reason of a first conviction for an offence against the provisions of this Act or the regulations during a period of two years. R.S.O. 1927, c. 318, s. 65.

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CHAPTER 354.

The Protection of Birds Act.

**1.** Nothing in this Act shall affect *The Game and Fish-eries Act* or apply to any imported cage bird or other domesticated bird or birds generally known as cage birds or to poultry. R.S.O. 1927, c. 319, s. 1.

Game birds and cage birds and poultry not affected.  
Rev. Stat., c. 353.

**2.**—(1) Except as in section 6 provided it shall not be lawful to or to attempt to shoot, destroy, wound, catch, net, snare, poison, drug or otherwise kill or injure any wild native birds other than hawks, crows, blackbirds and English sparrows and the birds specially mentioned in *The Game and Fish-eries Act*.

Birds that may not be killed.  
Exceptions.  
Rev. Stat., c. 353.

(2) Any person may, during the fruit season for the purpose of protecting his fruit, shoot or destroy on his own premises the bird known as the robin without being liable to any penalty under this act. R.S.O. 1927, c. 319, s. 2.

Robins.

**3.**—(1) Except as in section 6 provided it shall not be lawful to take, capture, expose for sale or have in possession any bird, save the kinds hereinbefore or hereinafter excepted, or to set wholly or in part any net, trap, springe, snare, cage, or other machine or engine by which any birds, except hawks, crows, blackbirds and English sparrows, might be killed or captured.

Trapping and selling forbidden.  
Exceptions.

(2) Any net, trap, springe, snare, cage or other machine or engine set either wholly or in part for the purpose of capturing or killing any birds, except hawks, crows, blackbirds and English sparrows, may be destroyed by any person without incurring any liability for so doing. R.S.O. 1927, c. 319, s. 3.

Destruction of traps.

**4.** Except as in section 6 provided it shall not be lawful to take, injure, destroy or have in possession any nest, young or eggs of birds other than hawks, crows, blackbirds and English sparrows. R.S.O. 1927, c. 319, s. 4.

Nest, young or eggs not to be taken.

**5.** Any person may seize, on view, any bird unlawfully possessed and carry it before a justice of the peace to be by him confiscated, and if alive to be liberated; and all market clerks and peace officers on the spot shall seize and confiscate, and if alive, liberate such bird. R.S.O. 1927, c. 319, s. 5.

Power to seize birds unlawfully possessed.

Permit.

**6.**—(1) The Deputy Minister of Game and Fisheries, on receiving from any ornithologist or student of ornithology, or biologist or student of biology, an application (Form 1) and recommendation (Form 2) may grant to such applicant a permit (Form 3) authorizing him to collect and to purchase or exchange all birds and their nests and eggs otherwise protected by this Act at any time or season when he may require them for the purpose of study, without incurring any penalty under this act.

Duration of permit.

(2) A permit granted under this section shall continue in force until the end of the calendar year in which it is issued and may be renewed at the option of the Deputy Minister of Game and Fisheries. R.S.O. 1927, c. 319, s. 6; 1937, c. 72, s. 46 (1).

Penalties.

**7.**—(1) Every person who contravenes any of the provisions of this Act shall incur a penalty of not less than \$1 nor more than \$20, recoverable under *The Summary Convictions Act*.

Rev. Stat., c. 136.

Applica-  
tion of  
fines.

(2) The whole of the penalty shall be paid to the prosecutor unless the convicting justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused, in which case the justice may order the disposal of the fine as in ordinary cases. R.S.O. 1927, c. 319, s. 7.

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## SCHEDULE.

### FORM 1.

(Section 6 (1)).

#### FORM OF APPLICATION FOR PERMIT.

I, \_\_\_\_\_, of \_\_\_\_\_, apply for a permit granting to me the right to collect and to purchase or exchange birds, and their nests and eggs, for strictly scientific purposes only, in accordance with *The Protection of Birds Act*.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
A.B.,  
Applicant.

To

The Deputy Minister of Game and Fisheries,  
Toronto.

R.S.O. 1927, c. 319, Sched. Form 1; 1937, c. 72, s. 46 (2).

FORM 2.

(Section 6 (1)).

FORM OF RECOMMENDATION.

We, the undersigned, personally know \_\_\_\_\_ and believe him to be a person of good character, and fit to be entrusted with the privilege of collecting and purchasing, or exchanging birds, and their nests and eggs in accordance with *The Protection of Birds Act*, which we have carefully examined and fully comprehend.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
A. B.  
(Address.)

R.S.O. 1927, c. 319, Sched. Form 2.

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FORM 3.

(Section 6 (1)).

FORM OF PERMIT.

Mr. \_\_\_\_\_ of the \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ in the Province of Ontario is hereby authorized to collect and to purchase and exchange birds, and their nests and eggs, for strictly scientific purposes only, in accordance with *The Protection of Birds Act*.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

Deputy Minister of Game and Fisheries.

R.S.O. 1927, c. 319, Sched. Form 3; 1937, c. 72, s. 46 (3).

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## CHAPTER 355.

## The Wolf Bounty Act.

Interpre-  
tation.

**1.** In this Act and in the regulations,—

“Depart-  
ment.”

(a) “Department” shall mean Department of Game and Fisheries;

“Provisional  
judicial  
district.”

(b) “Provisional judicial district” shall include the Provisional County of Haliburton;

“Regula-  
tions.”

(c) “Regulations” shall mean regulations made by the Lieutenant-Governor in Council, under the authority of this Act. R.S.O. 1927, c. 320, s. 1.

Regula-  
tions.

**2.** The Lieutenant-Governor in Council may make such regulations as may be deemed necessary or desirable for the administration and enforcement of this Act. R.S.O. 1927, c. 320, s. 2.

Promul-  
gation of  
regula-  
tions.

**3.** The regulations shall come into force upon publication thereof in the *Ontario Gazette*, or upon such later date as may be stated. R.S.O. 1927, c. 320, s. 3.

Proof of  
killing by  
applicant  
for bounty.

**4.** Where in any county a person has killed a wolf and produces the whole skin of the same, within a period of six months after the killing of the wolf, before the treasurer of the county, or before a magistrate, district superintendent of game and fisheries or such officer as the Minister may appoint, together with an affidavit in the form supplied by the Department, stating the place where and the date when the wolf was killed and that such wolf was not kept in captivity while it was under the age of three months, together with such other particulars as may be required, the treasurer, magistrate, district superintendent of game and fisheries or officer shall give to the person producing the skin, a certificate in the form provided by the Department. R.S.O. 1927, c. 320, s. 4; 1931, c. 70, s. 2.

Bounties  
payable by  
county.

**5.** Upon the delivery of such certificate by the person named therein to the treasurer of the county, together with the whole skin of the wolf, within a period of one month from the date of the certificate, the treasurer shall pay to such person the sum of \$15 as a bounty on either a timber or a brush wolf which is three months of age or over, and \$5 as a bounty on



either a timber or brush wolf under the age of three months. R.S.O. 1927, c. 320, s. 5; 1933, c. 68, s. 2.

6. Upon the delivery of said certificate, completed to the satisfaction of the Department, together with the whole skin of the wolf to the Department, the corporation of the county shall be entitled to receive forty per centum of the sum so paid, out of such money as may from time to time be appropriated by the Legislature for the payment of wolf bounty, but before payment is made to the county the Department shall be satisfied that the bounty has been correctly paid, and the decision of the Department as to the age and class of wolf shall be final. R.S.O. 1927, c. 320, s. 6. Repayment to county by Province.

7. Where any wolf has been killed in a provisional judicial district, the skin may be produced before a magistrate, a district superintendent of game and fisheries, the clerk of the district court, or such officer as the Department may appoint. R.S.O. 1927, c. 320, s. 7; 1931, c. 70, s. 4. Proof of killing in provisional judicial district.

8.—(1) Upon the like proof as set forth in section 4, the officer before whom the skin is produced may give the certificate mentioned in section 4, provided such skin is produced within a period of ten months after the killing of such wolf, and upon the delivery of such certificate, which has been completed in a manner satisfactory to the Department, together with the whole skin of the wolf, the person named in the certificate shall be entitled to receive out of such moneys as may be appropriated by the Legislature for the payment of wolf bounty, the sum of \$15 as a bounty on either a timber or a brush wolf which is three months of age or over, and \$5 as a bounty on either a timber or brush wolf under the age of three months. R.S.O. 1927, c. 320, s. 8 (1); 1933, c. 68, s. 3. Certificate.

(2) All payments for bounties on wolves under or over the age of three months shall be subject to the decision of the Department, whose decision shall be final. R.S.O. 1927, c. 320, s. 8 (2). Age to be determined by Department.

9. Where a claim is made for the payment of bounty for any wolf killed in a provincial park, the affidavit may be taken and the certificate may be given by the superintendent of such park, or before such officer named in section 7. R.S.O. 1927, c. 320, s. 9. In provincial parks.

10. Before payment of the bounty to the corporation of the county or directly to the person killing the wolf, the whole skin shall be delivered to the Department or to such person or Disposal of skin.

persons as the Department may designate for the purpose, and shall become the property of the Crown, and may be disposed of in such manner as the Lieutenant-Governor in Council may prescribe. R.S.O. 1927, c. 320, s. 10.

Claims may be paid notwithstanding errors in proofs.

**11.** In case of any claim heretofore or hereafter made, whenever the Department is satisfied that the person killing any wolf or that the corporation of the county which is paid a wolf bounty is justly entitled to receive the bounty, the Department may make requisition on the Treasurer of Ontario, and a cheque shall be issued in payment thereof, notwithstanding any defect in the affidavit or certificate, or any doubt as to the authority of the officer taking such affidavit or giving such certificate, and in such case the Provincial Auditor shall forthwith, without further audit or examination, counter-sign such cheque. R.S.O. 1927, c. 320, s. 11.

Taking affidavits.

**12.** Any person authorized to give a certificate under the provisions of this Act may take any affidavit required to be taken by any applicant for the purpose of obtaining such a certificate. 1928, c. 21, s. 13.

Keeping wolves in captivity prohibited.

**13.** Every person who, except under the authority of a permit issued by the Department, keeps in captivity any live wolf shall in respect of any animal so kept, incur a penalty of not less than \$10 and not more than \$50 and in default of payment thereof shall be imprisoned for a term not exceeding three months unless the penalty is sooner paid. 1929, c. 83, s. 2, *part*.

Penalties for repeating bounties.

**14.—(1)** Every person who presents or sends to the Department for bounty, or who is a party to presenting or sending to the Department for bounty, any wolf skin upon which the bounty has been paid by the Department, shall incur a penalty of not less than \$20 and not more than \$100 in respect of every wolf skin so presented or sent, and in default of payment thereof shall be imprisoned for a term not exceeding three months unless the penalty is sooner paid.

Forfeiture of skin.

**(2)** Upon conviction for an offence under subsection 1 the justice shall order that every wolf skin in respect of which the offence was committed shall be confiscated and delivered to the Crown.

Burden of proof.

**(3)** Where in any action, prosecution or other proceeding under this Act, a person claims that bounty is payable in respect of a wolf skin and that such bounty has not been previously paid, the burden of proof shall be upon such person. 1929, c. 83, s. 2, *part*.

**15.**—(1) Every person who presents or sends, or who is a party to presenting or sending to the Department for bounty the skin of any wolf taken or killed at any place outside the boundaries of the Province of Ontario shall incur a penalty of not less than \$15 and not more than \$100 in respect of every wolf skin so presented or sent, and in default of payment shall be imprisoned for a period not exceeding three months unless the penalty is sooner paid.

Penalties  
for pre-  
senting  
skins taken  
outside of  
the  
Province.

(2) Upon conviction for an offence under subsection 1 the justice shall order that the wolf skin in respect of which the offence was committed shall be confiscated and delivered to the Crown. 1933, c. 68, s. 4, *part*.

Forfeiture  
of skin.

**16.** Save as otherwise provided by this Act or the regulations, all fines, penalties, proceeds of sale of articles confiscated, and other receipts under this Act or the regulations shall be payable to the Treasurer of Ontario. 1933, c. 68, s. 4, *part*.

Payment  
of fines,  
etc.

**17.** Save as herein otherwise provided, in all prosecutions under this Act or the regulations, the procedure shall be governed by *The Summary Convictions Act*. 1933, c. 68, s. 4, *part*.

Procedure.  
Rev. Stat.,  
c. 136.

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## SECTION XV.

### EDUCATION.

#### CHAPTER 356.

#### The Department of Education Act.

##### GENERAL.

Interpre-  
tation.

**1.** In this Act,—

“Depart-  
ment.”

(a) “Department” shall mean Department of Education;

“Minister.”

(b) “Minister” shall mean Minister of Education;

“Regis-  
trar.”

(c) “Registrar” shall mean Registrar of the Department;

“Regula-  
tions.”

(d) “Regulations” shall mean regulations made by the Minister and approved of by the Lieutenant-Governor in Council as provided by this Act. R.S.O. 1927, c. 322, s. 1.

Depart-  
ment of  
Educa-  
tion.

**2.**—(1) There shall be a department of the Government of Ontario to be known as “The Department of Education,” which shall be presided over by the Minister of Education.

Deputy  
Minister  
and  
Registrar.

(2) The Lieutenant-Governor in Council may appoint a Deputy Minister of Education and a Registrar of the Department of Education. R.S.O. 1927, c. 322, s. 2.

##### MINISTER OF EDUCATION.

Powers of  
Minister.

**3.**—(1) The Minister shall have the administration and enforcement of the statutes and regulations respecting public schools, separate schools, kindergarten departments, supervised and outdoor playgrounds, consolidated schools, high schools, collegiate institutes, continuation schools, vocational schools, school cadet corps, all departments of any such schools, night schools, school gardens, school libraries, public libraries, travelling libraries, library institutes and of all other schools supported in whole or in part by public money which may hereafter be established, unless other provision is made in the Act by which the school is established. R.S.O. 1927, c. 322, s. 3 (1); 1930, c. 63, s. 1.

Adminis-  
tration of  
certain  
schools, etc.



(2) The Minister shall have the management and control of model schools, normal schools, the college of education, teachers' institutes, summer and vacation schools and schools for the education of the deaf and dumb and the blind.

Management of schools and institutions.

(3) The Minister may appoint such inspectors, teachers and officers for purposes of instruction, supervision and administration as he may deem expedient.

Appointment of inspectors, teachers and officers.

(4) Subject to the provisions of this Act and to the regulations, the Minister may prescribe the duties of the Registrar and of all other officers of the Department. R.S.O. 1927, c. 322, s. 3 (2-4).

Prescribing duties of officers.

4. Subject to the provisions of any statute in that behalf the Minister, with the approval of the Lieutenant-Governor in Council, may make regulations,—

Regulations.

(a) for the establishment, organization, government, courses of study, and examination of the schools, departments, school cadet corps, school gardens, supervised and outdoor playgrounds, institutes and institutions hereinbefore mentioned;

Schools, departments, etc.

(b) prescribing the fees, if any, to be paid by candidates at departmental examinations, other than high school entrance examinations, and by normal and model school students;

Fees of candidates and students.

(c) prescribing the fees to be paid to presiding officers and examiners in connection with departmental examinations and by whom and in what manner such fees and any other expenses in connection with such examinations shall be borne and paid;

Fees of examiners, etc.

(d) prescribing the accommodation and equipment of school houses and the arrangement of school premises;

Accommodation and equipment.

(e) authorizing textbooks for the use of pupils and of teachers in training attending such schools, departments, school gardens, corps, institutes and institutions, and books of reference for the use of teachers and pupils; R.S.O. 1927, c. 322, s. 4, cls. (a-e).

Textbooks and books of reference.

(f) for the medical and dental inspection of pupils in public and separate schools where provision for such inspection was inaugurated by the boards of such schools prior to the 31st day of July, 1924, provided the regulations therefor are first approved by the Minister of Health; 1933, c. 58, s. 2.

Medical and dental inspection.

Libraries.

(*g*) for the management of public, travelling and school libraries and library institutes;

Qualifica-  
tion and  
duties of  
teachers  
and inspec-  
tors.

(*h*) prescribing the qualifications and duties of inspectors, teachers and directors of such schools, departments, corps, school gardens, supervised and outdoor play-grounds, institutes and institutions;

Conduct-  
ing exa-  
minations.

(*i*) for conducting the examinations prescribed by the regulations and settling the results thereof;

Teachers'  
certifi-  
cates.

(*j*) for granting temporary, interim, special, permanent, and renewed certificates of qualification to teachers;

Super-  
annuation  
allowances.

(*k*) for the payment of the superannuation allowances of inspectors and teachers;

Apportion-  
ment of  
legislative  
grant.

(*l*) for the apportionment and distribution of all money appropriated by this Legislature for educational purposes, including sums granted for public and traveling libraries and the maintenance of historical, literary and scientific institutions;

Affiliating  
certain  
schools  
with other  
institu-  
tions.

(*m*) for the affiliation with any university in Ontario or with the normal or model schools of such collegiate institutes, high schools, public schools or separate schools as he may deem necessary for practical instruction in the art of teaching;

Accepting  
courses  
and examin-  
ations in  
pedagogy.

(*n*) for accepting such courses and examinations as he may deem adequate for the academic and professional training of teachers. R.S.O. 1927, c. 322, s. 4, cls. (*g-n*).

Powers and  
duties of  
Minister.

**5.** It shall be the duty of the Minister and he shall have power,— R.S.O. 1927, c. 322, s. 5 (1), *part*.

Apportion-  
ment of  
school  
grants.

(*a*) subject to the regulations, to apportion all sums of money appropriated for public and separate schools among the several cities, towns and villages, and among the rural schools, having regard to the attendance at the schools, the value of the property liable to taxation for school purposes, the expenditure of the board upon education, and to such other considerations as, in the opinion of the Minister, should affect such apportionment;

Statement  
to  
Assembly.

(*i*) A statement showing the amount apportioned to every rural public school and to every separate school under clause *a* shall be laid before the Assembly within ten days after the commencement of the session held in the year next after

that in which the apportionment takes place;  
1930, c. 63, s. 2 (1), *part*.

- (b) to pay, on or before the 1st day of August in each year, the grants apportioned to all public and separate schools entitled thereto to the boards of public and separate school trustees, respectively; 1934, c. 52, s. 2 (1). Payment of grants to boards.
- (c) subject to the regulations, to apportion and pay out of any money appropriated for that purpose grants for classes established under *The Auxiliary Classes Act* and amendments thereto; R.S.O. 1927, c. 322, s. 5 (1), cl. (j). Grant for auxiliary classes. Rev. Stat. c. 358.
- (d) subject to the regulations, to apportion to public and separate school boards in poor rural districts and to the residents of lumber, mining and other settlements, and to any town or village in a provisional judicial district when the circumstances of the case appear to the Minister to warrant the same, all sums of money appropriated for assisted schools; R.S.O. 1927, c. 322, s. 5 (1), cl. (l). Apportionment of grants to assisted schools.
- (e) subject to the regulations, to apportion all sums of money appropriated for high school purposes among the several high schools of the Province, and notice of such apportionment shall be given to the county clerk of each county; R.S.O. 1927, c. 322, s. 5 (1), cl. (m); 1936, c. 55, s. 5; 1937, c. 68, s. 10. Apportionment of grant made for high school grant.
- (f) subject to the regulations, to apportion out of any money appropriated for such purposes all sums payable under any statute or regulation towards the maintenance of faculties of education in any of the universities, the normal, model or other schools or institutes for the training of teachers, continuation schools and fifth classes, consolidated schools, technical schools, manual training, household science and agricultural departments, school gardens, kindergartens, supervised and outdoor playgrounds, night schools, public libraries, travelling libraries, library schools including the expenses of students in attendance thereat, art schools, school libraries, art departments of schools, cadet corps, and for free textbooks, inspection of schools, and the examination of teachers, and to apportion and distribute any other special sums that may from time to time be appropriated for educational purposes; Apportionment of grant made for certain purposes.

Share of Ontario College of Art in grant for technical education.

- (i) For the purposes of this clause, the Ontario College of Art shall be deemed a technical school and the Minister is authorized to pay out of any appropriation made for technical schools such sums as he may deem proper for the erection of buildings for the said College and for the maintenance and support of the College, and to apportion to the said College such share as he may deem proper of any aid received from the Government of Canada towards technical education;

Apportionment of grants for agricultural education.

- (g) subject to the regulations, to apportion all sums received by the Government of Ontario for the purposes of agricultural education from any other source than an appropriation by this Legislature among high schools, continuation schools and public and separate schools of the Province;

Supervising examination boards.

- (h) to constitute supervising examination boards, and to appoint members thereof, and to prescribe the duties of such boards, and pay out of any moneys voted for that purpose, the salaries or other remuneration, and travelling or other expenses of the members of such boards;

Professional training schools.

- (i) to pay out of any appropriation for professional training schools the travelling and other expenses and such *per diem* allowance as may be fixed by the Minister for living expenses of students attending such schools whenever the Minister deems such payment necessary or desirable;

Grants to teachers of art, manual training and agriculture.

- (j) to pay out of such moneys as may be voted for that purpose, grants to teachers of art, music, household science, manual training and agriculture, and to define the basis on which such grants may be paid; R.S.O. 1927, c. 322, s. 5 (1), cls. (n-r).

Medical and dental inspection.

- (k) to apportion and pay out of such moneys as may be voted for that purpose, grants for medical and dental inspection in public and separate schools; R.S.O. 1927, c. 322, s. 5 (1), cl. (s); 1933, c. 58, s. 3 (2).

Accepting other qualifications in lieu of departmental examinations.

- (l) to accept in lieu of the experience and the departmental courses and examinations prescribed for candidates for teachers' certificates such evidence of experience, academic scholarship or professional training as he may deem equivalent thereto;

Certificates of qualification to certain teachers.

- (m) to grant certificates of qualification as teachers and instructors in the Ontario School for the Blind and the Ontario School for the Deaf, to such persons as



he may deem to be, from their experience and general attainments, qualified to receive such certificate;

- (n) to submit a case on any question arising under *The Public Schools Act*, *The High Schools Act* or *The Separate Schools Act*, or this Act, to a judge of the Supreme Court for his opinion and decision, or by the leave of a judge of such Court, to the Court of Appeal for its opinion and decision; Submitting questions arising upon school law to Supreme Court. Rev. Stat. cc. 357, 360, 362.
- (o) to determine all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and all appeals made to him from the decision of an inspector or other school officer; Power to settle disputes and complaints.
- (p) to suspend or cancel any certificate of qualification granted by the Department; Suspension or cancellation of certificate.
- (q) to appoint as a commission one or more persons, as he may deem expedient, to inquire into and report upon any school matter, with all the powers which may be conferred on commissioners under *The Public Inquiries Act*; Power to appoint commissioners. Rev. Stat. c. 19.
- (r) to report annually to the Lieutenant-Governor upon the condition of education in Ontario, with such suggestions for the improvement thereof as he may deem expedient; R.S.O. 1927, c. 322, s. 5 (1), cls. (t-z). Annual report.
- (s) to make use of any public, separate, continuation, high or vocational school for the purposes of observation and practice teaching by teachers-in-training at any provincial teacher-training school or college. 1935, c. 64, s. 2. Use of schools for practice teaching.

**6.** Notwithstanding anything in this Act or in any other Act contained, the Minister may, in his discretion, grant,—

- (a) a temporary certificate of qualification as a teacher to any person who, although not a British subject, has applied for naturalization and whose application for naturalization is pending, where the Minister deems the employment of such person necessary for special reasons; or
- (b) a certificate of qualification as a teacher of French, Italian or Spanish to any person who is not a British subject and who possesses the other qualifications prescribed by the regulations and who has served in the military or naval forces of Great Britain or any of her Allies during the Great War. R.S.O. 1927, c. 322, s. 6. Certificates of qualification to persons other than British subjects.

Guarantee-  
ing school  
debentures  
and penny  
bank in-  
vestments.

7.—(1) The Lieutenant-Governor in Council may, upon the recommendation of the Minister, for and in the name of the Province, guarantee the payment of any debentures issued by a board of public school trustees or a board of separate school trustees or by a municipal corporation in a provisional judicial district for any school purpose for which such board or municipal corporation is authorized to issue debentures and to an amount not exceeding \$150,000 guarantee the investments of any penny bank or similar institution mentioned in clause y of section 89 of *The Public Schools Act* and section 25 of *The High Schools Act*, which has for one of its objects the encouragement of thrift among school pupils and is approved by the Minister. R.S.O. 1927, c. 322, s. 7 (1); 1932, c. 53, s. 32 (1); 1934, c. 52, s. 2 (2).

Rev. Stat.,  
cc. 357, 360.

Form of  
guarantee.

(2) The form of the guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council, and every guarantee given or purporting to be given under the authority of this section shall be binding upon the Province and shall not be open to question upon any ground whatsoever. R.S.O. 1927, c. 322, s. 7 (2).

Validity of  
guaranteed  
debenture.

(3) Any debenture issued by a municipal corporation or board of school trustees, payment of which is guaranteed on behalf of the Province of Ontario under this section, shall be valid and binding upon the municipal corporation or the board of school trustees, as the case may be, by which it is issued, and the ratepayers thereof, according to its terms, and the validity of any debenture so guaranteed shall not be open to question on any ground whatsoever. R.S.O. 1927, c. 322, s. 7 (3); 1932, c. 53, s. 32 (2).

Fixing cur-  
rent rate of  
interest on  
debentures,  
etc., held by  
Treasurer.

8. Notwithstanding anything in any Act contained fixing the rate of interest to be paid or credited to any school corporation by the Treasurer of Ontario upon school securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario either as an investment by the Province or for investment on behalf of a school corporation, the rate at which interest shall be allowed to, paid by, or credited to a school corporation, upon any such securities, sinking funds or debentures heretofore or hereafter deposited with or purchased by the Treasurer of Ontario shall be the current rate of interest as fixed from time to time by the Lieutenant-Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a provincial loan and then outstanding. R.S.O. 1927, c. 322, s. 8.

COLLEGE OF EDUCATION.

**9.**—(1) The Minister, with the approval of the Lieutenant-Governor in Council may establish and conduct a college of education for the professional training and instruction of teachers and for that purpose may,—

Establishment of college of education.

- (a) acquire by purchase or otherwise, or expropriate any lands, buildings or other real or personal property which he may deem necessary;
- (b) establish, erect and maintain all buildings, and provide such equipment, plant and appliances as he may deem expedient;
- (c) appoint officers, professors, instructors and teachers for the college;
- (d) provide for the affiliation of the college with any university or enter into arrangements for the use of any primary or secondary school for practice teaching purposes or for the services of teachers in any secondary school as lecturers or instructors in the college;
- (e) prescribe the course of training and study for students attending such college;
- (f) grant diplomas, certificates or other evidences of proficiency to the students, teachers and graduates of such college;
- (g) generally, with the approval of the Lieutenant-Governor in Council, do all such things and enter into all such agreements and arrangements as may be deemed advisable for establishing, maintaining, equipping, furnishing and conducting any such college.

Powers of Minister.

(2) The expenses of establishing a college, the acquiring of property, plans, appliances and equipment therefor, the salaries of the officers, professors, instructors, teachers and servants of the college and the maintenance thereof shall be payable out of such moneys as may be appropriated by the Legislature for the purposes of the college of education. R.S.O. 1927, c. 322, s. 9.

Expenses of college.

**10.**—(1) There shall be payable out of the Consolidated Revenue Fund annually, the sum of \$6,000, to be awarded by the Minister of Education in scholarships to residents of Ontario for the purpose of enabling them to pursue courses of study in France.

Appropriation for scholarships for post-graduate courses in France.

Regula-  
tions.

(2) The number of such scholarships, the terms and conditions upon which they may be awarded, and the courses of study to be pursued, shall be prescribed by regulations to be made in the manner provided by this Act. R.S.O. 1927, c. 322, s. 10.

#### SEPARATE SCHOOLS.

Powers of  
Minister as  
to separate  
schools.

**11.** Subject to the provisions of this Act, every power, right and authority now by law vested in or held, had or possessed by the Minister or by the Department of Education in respect to Roman Catholic separate schools or to any matter or thing pertaining to or affecting such separate schools shall be vested in and held, had and possessed by the Minister. R.S.O. 1927, c. 322, s. 11.

#### REGULATIONS AND ORDERS-IN-COUNCIL.

Regula-  
tions and  
Orders-in-  
Council to  
be laid be-  
fore the  
Legislative  
Assembly.

**12.**—(1) Every regulation and every Order-in-Council made under the authority of this Act or of the Acts relating to public schools, separate schools or high schools shall be laid before the Assembly forthwith if the Assembly is then in session, and if the Assembly is not then in session, within the first seven days of the next session after such regulation or Order-in-Council was made.

Disap-  
proval by  
Legislative  
Assembly.

(2) Where the Assembly at such session, or if the session does not continue for three weeks after the regulation or Order-in-Council is laid before the Assembly, then at the next ensuing session, disapproves by resolution of such regulation or Order-in-Council, or of any part thereof, the regulation or Order-in-Council, so far as disapproved of, shall have no effect from the time of the passing of such resolution. R.S.O. 1927, c. 322, s. 12.

#### PENALTIES.

No in-  
spectors,  
trustee,  
teacher, etc.,  
to act as  
agent for  
the sale of  
books,  
maps, etc.

**13.**—(1) A teacher, trustee, inspector or other person officially connected with the Department, or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Department, shall not sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize, or textbook, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing.



(2) For any contravention of subsection 1, a teacher shall incur a penalty of \$50; a trustee shall incur a penalty of \$100; an inspector shall incur a penalty of \$500; and any other person so officially connected shall incur a penalty of \$100. Penalty.

(3) Any person, firm or corporation and any agent of a person, firm or corporation who employs a teacher, trustee, inspector or any other person officially connected with the Department or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or textbook, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute, or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person compensation or remuneration or the equivalent thereof for so doing shall for every such offence incur a penalty of \$500. Penalty against business, firm or agent.

(4) Any gift or payment made to a teacher, trustee, inspector or other person so officially connected by any person, firm or corporation interested either as principal or agent in any such sale shall be *prima facie* evidence of a violation of this section. Gifts, etc., to be *prima facie* evidence.

(5) The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. Recovery of penalties. Rev. Stat. c. 136.

(6) The penalties recovered under this Act shall be applied to such purposes as the Minister may direct. Application of penalties.

(7) No prosecution for any of the penalties mentioned in this section shall be instituted without the written consent of the Attorney-General or his deputy. Consent of Attorney-General to prosecution.

(8) This section shall not apply to sales made by a trustee who is a merchant or bookseller in the ordinary and regular course of his business as such and made at his shop or place of business. R.S.O. 1927, c. 322, s. 13. Sale in ordinary course of business excepted.

## CHAPTER 357.

## The Public Schools Act.

Interpreta-  
tion.

## 1. In this Act,—

"Board."

- (a) "Board" shall mean board of public school trustees; R.S.O. 1927, c. 323, s. 1 (a).

"City  
inspector."

- (b) "City inspector" shall mean an inspector who devotes his full time to the inspection of the public schools of a city;

"City  
inspector-  
ate."

- (c) "City inspectorate" shall mean a city where there are one or more inspectors devoting full time to the inspection of the public schools of the city; 1930, c. 63, s. 3.

"Elector."

- (d) "Elector" shall mean, in a municipality, any person entered on the last revised voters' list as qualified to vote at municipal elections and who is not a supporter of a separate school, and in a school section in an unorganized township or in an unsurveyed district, "elector" shall mean any person who is entered on the last revised assessment roll for the school section as a public school supporter, and who is not disqualified under this Act, and who is not a supporter of a separate school; 1936, c. 55, s. 24.

"In-  
spector."

- (e) "Inspector" shall mean public school inspector;

"In-  
spectorate."

- (f) "Inspectorate" shall mean the territory for which an inspector is appointed;

"Minister."

- (g) "Minister" shall mean Minister of Education; R.S.O. 1927, c. 323, s. 1 (g-i).

"Rate-  
payer."

- (h) "Ratepayer" shall mean person entered on the last revised assessment roll as a public school supporter for the school section or municipality; R.S.O. 1927, c. 323, s. 1 (j); 1931, c. 71, s. 2.

"Regula-  
tions."  
Rev. Stat.,  
c. 356.

- (i) "Regulations" shall mean regulations made under *The Department of Education Act*; R.S.O. 1927, c. 323, s. 1 (k).

"School  
section."

- (j) "School section" shall mean a locality formed of the whole of or any area in or any part of a township or of the whole or part of one or more townships or of

the whole or any part of an urban municipality and the whole of or any area in or any part of an adjacent township for which a public school board has heretofore been or hereafter is established under the authority of this Act; 1932, c. 42, s. 2.

- (k) "School site" shall mean and include land necessary for a schoolhouse, playgrounds, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium and offices connected therewith; "School site."
- (l) "Secretary" or "treasurer" shall include a secretary-treasurer; "Secretary" or "treasurer."
- (m) "Separated town" shall mean a town which does not form part of a county for municipal purposes; "Separated town."
- (n) "Teacher" shall mean a person holding a legal certificate of qualification; "Teacher."
- (o) "Township" shall include union of townships; "Township."
- (p) "Township board" shall mean a board having jurisdiction over all the public schools in a township; R.S.O. 1927, c. 323, s. 1 (*m-r*). "Township board."
- (q) "Urban municipality" shall mean a city, town or village. R.S.O. 1927, c. 323, s. 1 (*u*). "Urban municipality."

**2.** The regulations, though not specially referred to, shall apply to any matter or thing in this Act contained, so far as the same are consistent with this Act. R.S.O. 1927, c. 323, s. 2. Application of regulations.

**3.** Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools, except that all taxable property shall continue to be liable to taxation for the purpose of paying any liability incurred for public school purposes while such property was subject to taxation for such purposes. R.S.O. 1927, c. 323, s. 3. Exemption of supporters of Roman Catholic separate schools.

**4.** Until altered under the authority of this Act, all public school sections or other public school divisions shall continue as they now exist, and all trustees duly elected and all officers duly appointed shall continue in office, and all agreements, contracts, assessments, and ratebills heretofore duly made in relation to public schools and existing when this Act takes effect shall continue subject to the provisions of this Act. R.S.O. 1927, c. 323, s. 4. Existing school arrangements continued.

## PUBLIC SCHOOLS TO BE FREE

Public  
schools to  
be free.

**5.—(1)** All schools established under this Act shall be free public schools, and every person between the ages of five and twenty-one years, except persons whose parents or guardians are separate school supporters, and except persons who, by reason of mental or physical defect, are unable to profit by instruction in the public schools, shall have the right to attend some such school in the urban municipality or rural school section in which he resides.

(a) Where a question arises as to whether or not a person can profit by instruction in a public school, the matter shall be referred to a committee appointed by the Minister for that purpose, whose decision shall be final.

Right to  
attend kin-  
dergarten  
schools.

(2) Children between the ages of four and seven years may attend kindergarten schools, subject to the payment of such fees as to the board may seem expedient.

Rights of  
persons  
having  
charge of  
children.

(3) Every corporation, society, agent or person having the custody of a child, and being a public school supporter, shall be entitled to send such child to the public school of the municipality or school section in which the child resides as if he were the child of a ratepayer in such municipality or school section, and every such corporation, society, agent or person shall be subject to the provisions of *The School Attendance Act*, in the same manner and to the same extent as a ratepayer. R.S.O. 1927, c. 323, s. 5.

Rev. Stat.,  
c. 367.

## SCHOOL YEAR AND HOLIDAYS

Terms.

**6.—(1)** The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June. R.S.O. 1927, c. 323, s. 6 (1).

Where  
opening and  
closing days  
Friday or  
Monday.

(2) When the 1st day of September is a Friday, the schools shall not be opened until the following Tuesday, and when the 3rd day of January is a Friday, the schools shall not be opened until the following Monday, and when the 29th day of June or the 22nd day of December is a Monday, the schools shall be closed on the preceding Friday. 1936, c. 55, s. 25 (2).

Holidays.

(3) Every Saturday, every public holiday, the week following Easter Day, and every day proclaimed a holiday by the



authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department of Education shall be a holiday in public schools.

Rev. Stat.,  
c. 299.

(4) With the approval of the inspector, the board of a rural school section may substitute holidays in some other part of the year for part of the time herein allowed for Easter and midsummer vacations to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed in each year.

In rural  
school  
sections.

(5) When there is no county organization the inspector, subject to an appeal to the Minister, may determine the length of time, which shall not be less than six months, during which a school shall be kept open each year, and it shall be the duty of the board to keep the school open during the whole of the time so determined. R.S.O. 1927, c. 323, s. 6 (2-4).

Determin-  
ing school  
terms in  
districts.

#### RELIGIOUS INSTRUCTION

7.—(1) No pupil in a public school shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his parent or guardian.

Religious  
exercises.

(2) Subject to the regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire. R.S.O. 1927, c. 323, s. 7.

Religious  
instruction.

#### SCHOOL VISITORS

8.—(1) Judges, members of the Assembly, and members of municipal councils, shall be school visitors in the municipalities where they respectively reside, and every clergyman shall be a school visitor in the municipality where he has pastoral charge.

Public  
school  
visitors  
defined.

(2) School visitors may visit public schools, may attend any school exercises, and at the time of any visit may examine the progress of the pupils and the state and management of the schools, and give such advice to the teachers and pupils, and any others present, as they deem expedient. R.S.O. 1927, c. 323, s. 8.

Their  
powers.

#### SCHOOL LANDS

9.—(1) All lands which before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school

School lands  
granted be-  
fore 1850  
vested in  
trustees for  
school  
purposes.

trustees of the school section or municipality in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by them and their successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which such lands are now respectively held.

Disposal of  
school lands  
by boards.

(2) Notwithstanding anything in subsection 1, lands originally granted or conveyed by the Crown for common school purposes and held by the trustees of a school section or municipality may be leased, sold or otherwise disposed of with the approval of the Lieutenant-Governor in Council and upon such conditions as to the investment or application of the proceeds or otherwise as may be prescribed in the order granting such approval. R.S.O. 1927, c. 323, s. 9.

#### SELECTION OF SCHOOL SITES BY RURAL BOARDS

Selection  
and change  
of school  
site.

**10.**—(1) Whenever it is deemed expedient by or it is the duty of a rural school board to erect a new school building, or to change the site of an existing school house, or where a petition in that behalf is presented by twenty-five per centum of the ratepayers of the school section, the board shall select a school site and shall thereupon call a special meeting of the ratepayers to consider the site selected by the board, whether the same be the present site or a new site, and if a majority of the ratepayers present at the meeting by resolution approve of such site, the same shall be adopted by the board and no site shall be adopted by the board until so approved, except as provided in subsections 2, 3, and 4.

Arbitration  
when trus-  
tees and  
ratepayers  
differ as  
to site.

(2) In case a majority of the ratepayers present at such special meeting differ from the board as to the suitability of the site selected by it, each party shall then and there choose an arbitrator, and the inspector or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator, and such three arbitrators or a majority of them present at any lawful meeting shall make and publish their award, and may, in and by the award, approve of the site selected by the board or may change the boundaries of the same or may select such other site as the arbitrators or the majority of them deem more suitable for the purpose.

Award.

Recon-  
sideration  
of award.

(3) With the consent or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award, or the previous one, if not reconsidered by the arbitrators, shall be bind-

ing upon all parties concerned for at least five years from the date thereof; but if the boundaries of the section have been altered before any action has been taken by the board to purchase the site, proceedings under this section may be taken for the selection of a site as if no award had been made.

*Duration.*

*Where boundaries altered.*

(4) If the board or the majority of the ratepayers present at a public school meeting neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator as provided in this Act, the inspector with the arbitrator appointed, shall meet and determine the matter, and the inspector in case of such refusal or neglect shall have a second or casting vote if he and the arbitrator appointed do not agree. R.S.O. 1927, c. 323, s. 10.

*Where failure to appoint arbitrator.*

#### ACTIONS TO SET ASIDE AWARDS

**11.** No action to set aside an award made under this Act shall be undertaken by or at the instance of the board of a rural school section without the consent of the majority of the ratepayers of the section present at a special meeting duly called to consider the advisability of such action being brought. R.S.O. 1927, c. 323, s. 11.

*Consent of majority of ratepayers to action to set aside award.*

#### SCHOOL WALLS AND FENCES

**12.** Any wall or fence deemed necessary by the board or required by the regulations for the enclosure of the school premises shall be erected and maintained by the board. R.S.O. 1927, c. 323, s. 12.

*Fence.*

#### ENLARGEMENT OF SCHOOL GROUNDS BY BOARD

**13.** Where the area of a rural school site is less than is required by the regulations the board may, without reference to a special meeting of the ratepayers, enlarge the same so as to conform to the regulations. R.S.O. 1927, c. 323, s. 13.

*Enlargement of school site.*

#### ALTERATION OF SECTION BOUNDARIES

**14.—(1)** The council of a township may pass by-laws,—

(a) to unite two or more sections in the same township into one section if, at a meeting of the ratepayers in each section called by the board or by the inspector for that purpose, a majority of the ratepayers present at each meeting request to be united;

*Union of two or more sections.*

Constitu-  
tion of  
board when  
all sections  
united.

- (i) but when all the school sections in a township have been consolidated the council may limit the number of trustees constituting the board to not less than six, after at least one month's notice in writing has been given to the secretary of the board of the intention to consider a resolution to that effect, and in such case the council may provide for the election of all trustees by a general vote of the ratepayers of the whole township or may divide the township into as many districts as there are trustees to be elected and provide for the election of one trustee for each of such districts;

Alteration,  
etc., of  
school  
sections.

- (b) to alter the boundaries of a school section, or to divide an existing section into two or more sections, or to unite any part or parts of an existing section with another section or sections, or with a new section, or to unite parts of existing sections so as to form a new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union have been duly notified in such manner as the council may deem expedient of the proposed by-law for that purpose, or of any application made to the council for such alteration, division or union.

Time for  
passing by-  
law; com-  
mencement  
and dura-  
tion.

- (2) No such by-law shall be passed later than the 1st day of June in any year nor shall any such by-law subject to the provisions as to the formation, alteration or dissolution of union school sections, take effect, except as herein otherwise provided, before the 25th day of December next thereafter, and subject to the provisions hereinafter contained every such by-law shall remain in force unless set aside as hereinafter provided, for a period of five years.

Clerk to  
send copies  
to board  
and in-  
specter.

- (3) The township clerk shall transmit a copy of such by-law immediately after the passing thereof to the board of every school section affected thereby and to the inspector.

When part  
of section is  
added to  
city or  
town.

- (4) Where in the opinion of the inspector a change in the assessment, population or otherwise has so materially affected a school section that a readjustment of the boundaries thereof is required, or where part of a school section has been added to a city or town, the council of the municipality in which such section or the remaining portion of such section is situate may pass a by-law for the readjustment of the boundaries of such school section or remaining part of the school section notwithstanding the passing of a by-law or the publication of



an award within five years affecting the limits of such section or part of the section or adjoining sections.

(5) Any section formed by dividing an existing section shall be deemed to be a new section for all purposes.

Status of section formed by division of section.

(6) The council of a county, at the request of a majority of the councils of the townships in the county for a readjustment of the boundaries of the school sections in the county, shall appoint arbitrators as provided by section 32.

Readjustment of boundaries of school sections in counties.

(7) The council of a county may in like manner appoint arbitrators at the request of the council of any township in the county to readjust the boundaries of the school sections in the township.

Readjustment of boundaries of school sections in townships.

(8) The arbitrators shall take action and make their award and the same may be put into effect notwithstanding that any time limit in connection with the operation of a previous award or change of boundaries has not expired. R.S.O. 1927, c. 323, s. 14.

Time limit not to prevail.

**15.**—(1) The council of a township may by by-law, passed with the consent of a majority of the whole number of members of the council before the 1st day of July in any year, set apart the whole or any portion of the township as a township school area and may declare that thereafter the school sections included in the township school area shall cease to exist as separate school sections and that the school boards having jurisdiction therein shall be dissolved. R.S.O. 1927, c. 323, s. 15 (1); 1932, c. 42, s. 3.

By-law setting apart township school area.

(2) The by-law shall take effect from the 25th day of December in the year in which the same is passed, but all school boards in such school sections shall remain in office until a board for the township school area has been elected and organized as hereinafter provided.

When by-law to take effect.

(3) There shall be a board of public school trustees for every township school area, which shall consist of five members, and the board shall have and may exercise and perform the like powers and duties with respect to public schools in the township school area as in the case of a township board. R.S.O. 1927, c. 323, s. 15 (2, 3).

Board of public school trustees for township school area.

(4) The election of school trustees for the township school area shall be by ballot and shall be held for the year following the year in which the by-law takes effect and in each year thereafter, at the same time and place as the annual municipal elections of the township, and as nearly as may be in the same manner as an election of members of a municipal coun-

Township school area, election of trustees.

cil, and the clerk of the township shall be the returning officer at each election, and except as herein otherwise provided all the provisions of this Act applicable to the election of trustees by ballot shall apply as nearly as may be to the election of school trustees under this section. 1928, c. 53, s. 2, *part*; 1936, c. 55, s. 26 (1).

Term of office.

(5) Of the trustees elected at the first election the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year.

Subsequent elections.

(6) After the first election an election shall be held in each year to fill the places of trustees whose terms of office have expired, and the trustees elected shall hold office for two years.

Equality of votes at first election.

(7) In case, at the first election of trustees, two or more trustees receive an equal number of votes, the clerk of the municipality shall determine which of such trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered on the minutes of the board. 1928, c. 53, s. 2, *part*.

Incorporation.

(8) Every board of school trustees of a township school area shall be a corporation by the name of "The board of school trustees of the township school area of \_\_\_\_\_", or by such other designation as the by-law may provide.

Vesting of real and personal property in board of township school area.

(9) Upon the election and organization of a board of public school trustees for a township school area the board of public school trustees for every school section then in existence in the township school area shall be dissolved and all the property, real and personal, vested in the board of any such school section shall be vested in and become the property of the board of the township school area.

Board responsible for obligations of each school in township school area.

(10) The board of the township school area shall be responsible for and shall discharge all liabilities and obligations of each of the school sections included in the township school area, and the indebtedness of the board of any school section shall be provided for by a general rate levied upon all property liable to taxation for public school purposes in the township school area. R.S.O. 1927, c. 323, s. 15 (5-7).

Audit of accounts and publication of annual report.

(11) It shall not be necessary in township school areas to hold the annual meeting of the electors as required by section 67; but for the purposes of the audit of accounts, books and vouchers and the publication of the annual report of the auditors as provided in clause 1 of section 89, the board of a township school area shall be deemed to be an urban board. 1936, c. 55, s. 26 (2).

(12) No by-law shall be passed under the provisions of subsection 1 until the same shall have been submitted to and approved in writing by the Minister. R.S.O. 1927, c. 323, s. 15 (8). Approval of Minister.

(13) The provisions of subsection 1 of section 83 shall apply as to the first meeting in each year of every board elected pursuant to the provisions of this section. 1933, c. 58, s. 6. First meeting of board.

**16.**—(1) All rights and claims between the respective parts of a township comprising the several school sections united under a township school board or into a township school area, shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Ontario Municipal Board within three months after the passing of the by-law forming the township school board or the township school area, as the case may be. Adjustment of claims.

(2) The Ontario Municipal Board and any referee appointed by it shall have and may exercise such jurisdiction and powers as may be necessary for the purpose of having all or any of the said rights and claims valued, adjusted and determined, and the provisions of *The Ontario Municipal Board Act*, shall be applicable. Powers of Ontario Municipal Board and referee. Rev. Stat., c. 60.

(3) A referee appointed under this section shall proceed to hear and report to the Ontario Municipal Board upon such rights and claims as the Board may, from time to time, make or issue, and he shall submit his report to the Board within three months after the time of his appointment or within such further time as the Board may allow, and every such referee shall be paid for his services, such fee as the Board may direct and allow. Referee—hearing and report by. Remuneration.

(4) Upon the report of a referee being filed with the Board, it shall forthwith consider such report and may hear such representations in respect thereof as it may see fit, and before adopting any such report, the said Board may refer it back to the referee for his further consideration. Consideration of report of referee by Board.

(5) The Board may by its order adopt, vary or amend the report of any referee appointed under this section, and the order of the Board adopting such report or varying or amending it shall be final and conclusive and not open to question or appeal and it shall be binding upon the township and the rate-payers of such township and of any school section affected thereby. Board may vary or amend report.

(6) The council of the township shall annually impose and levy such special rates against the lands assessable therefor as may be directed in any order of the Board for the purpose Special rates for adjusting claims.

of adjusting the rights and claims of any school section or other area.

By-law—  
when to  
come into  
force.

(7) No by-law passed under the authority of section 14 or 15 shall come into force or take effect until such time as the Board may by its order direct, and no such order shall be issued until the Board has made an order under subsection 5 hereof.

Minister to  
approve  
by-laws.

(8) No by-law passed under the authority of section 14 or 15 shall come into force or take effect until the Minister has first approved the same, and no order shall be made by the Board under subsection 5 until the said approval of the Minister has been obtained. 1936, c. 55, s. 27.

Agreement  
with urban  
board.

**17.** Subject to the approval of the Minister, the board of public school trustees of a township school area may enter into an agreement with the board of education or board of public school trustees of an adjacent urban municipality for the purposes and in the manner provided by section 88. R.S.O. 1927, c. 323, s. 16; 1932, c. 42, s. 4.

Exemption  
from town-  
ship rate.

**18.—**(1) Where the board of public school trustees of a township school area has entered into an agreement under section 17, the council of the township may exempt the taxable property of the public school supporters in such township school area from the general rate required to be levied under section 112, but such exemption shall not be granted until the Minister has given his approval thereto in writing. R.S.O. 1927, c. 323, s. 17 (1); 1932, c. 42, s. 5.

Where  
exemption  
granted  
township  
school area  
not to share  
in rate.

(2) Where an exemption is granted from the township rate under subsection 1, the township school area shall not share in the expenditure of any sum raised by any such general rate, nor shall it be necessary for the township council in fixing such rate to take into account schools in the township school area. R.S.O. 1927, s. 323, s. 17 (2).

#### ESTABLISHMENT OF METROPOLITAN SCHOOL AREAS

County by-  
law setting  
aside metro-  
politan  
school area.

**19.—**(1) The council of any county in which there is situate a city having a population of not less than 100,000 may, subject to the approval of the Lieutenant-Governor in Council, by by-law passed before the 1st day of July in any year set aside any defined area in the county adjacent to the city as a metropolitan school area and in and by such by-law shall name the person to be the secretary-treasurer of the metropolitan school area until some other person is appointed by the metropolitan public school board to be established as hereinafter provided.



(2) Where a by-law has been passed under the provisions of subsection 1, there shall be established a metropolitan school board for the metropolitan school area and such board shall consist of one member elected by the vote of the supporters of public schools in each municipality or portion of a municipality included in the metropolitan school area and of six members to be elected by general vote of the public school supporters throughout the metropolitan school area. Board.

(3) The members of the board to be elected in each such municipality or portion of a municipality shall be elected in the same manner and at the time and place provided for the election of members of the municipal councils in the municipalities included in the metropolitan school area, and the first election shall take place at the municipal election held next after the passing of the by-law, and the persons qualified to vote shall be those only who shall be qualified to vote for public school trustees in the municipality or portion of a municipality. Election of representatives in local municipalities.

(4) The members so elected shall be elected annually. Annual election.

(5) The members of the board shall possess the same qualifications as urban school trustees. Qualification.

(6) The secretary-treasurer shall be the returning officer for the metropolitan school area. Returning officer.

(7) Nominations for the election of the six members of the board to be elected by general vote shall be made by filing in the office of the returning officer on or before the hour of two o'clock in the afternoon of the last Monday in the month of November a nomination paper in writing signed by at least one hundred persons qualified to vote at the election being entered on the voters' list as public school supporters in the metropolitan school area, and the nomination paper shall contain the names, addresses and qualification in respect of which each person signing the paper has the right to vote and the signatures to such nomination paper shall be witnessed by some person of the age of twenty-one years and qualified as aforesaid. Nominations for election of members by general vote.

(8) No person shall be qualified to be elected by general vote unless he is a resident in the metropolitan school area and qualified to vote as a public school supporter therein. Residence required.

(9) If more than six persons are nominated then immediately after the expiry of the time for filing the nomination paper the returning officer shall notify the clerk of each local municipality the whole or any portion of which is included in the metropolitan school area, of the names, addresses and Poll.

occupations of the persons so nominated, and the clerk of every such local municipality shall cause ballots to be printed in the same manner as nearly as may be as in the case of the election of school trustees in the municipality, setting out the names, addresses and occupations of each person so to be elected by general vote, and the polls shall be taken in the same manner and at the same time and place as in the case of the election of members of the board representing local municipalities.

Returns  
from local  
municipi-  
palities.

(10) At the close of the poll in each local municipality the clerk or other local returning officer shall transmit to the returning officer a statement showing the votes cast for each candidate, including the candidates for election as representatives of the local municipality and upon the receipt of the last of such returns the returning officer, at the hour of two o'clock in the afternoon on the third Monday in January next after the last of such elections shall at his office make up from the statements so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and the returning officer shall thereupon certify in writing over his hand and seal the names of the persons so elected and shall deliver or send by post a copy of such certificate to each of the candidates.

Term of  
office of  
members  
elected by  
general  
vote.

(11) The six members elected by general vote at the first election shall hold office for two years and an election shall be held in every second year in the manner hereinbefore provided.

Vacancies.

(12) Where any member of the board dies, retires from office or vacates his seat by reason of disqualification or by reason of non-attendance, or becomes incapable of acting, the board shall, at the next meeting after the occurrence of such vacancy, appoint a duly qualified person to fill the vacancy for the remainder of the term for which the person whose office has become vacant, was elected.

First meet-  
ing in year.

(13) The first meeting of the board shall be held at the hour of two o'clock in the afternoon on the last Monday in January next after the passing of the by-law mentioned in subsection 1 and thereafter the first meeting of the board for each year shall be held annually at the same time and on the same day, and the board in each year shall be organized by the election of a chairman who shall thereafter preside, but until the election of a chairman the secretary-treasurer shall preside.

Dissolution  
of existing  
boards.

(14) Until the time of the organization of the first board, the existing school trustees of the various public school boards of the municipalities included in the metropolitan school area

shall continue to hold office, but upon the organization of the board for the metropolitan school area the public school boards theretofore established in the area shall be dissolved and all property, real and personal, vested in such boards, together with all rights and privileges theretofore vested in them, shall be vested in the metropolitan school board.

(15) Where a metropolitan school board is established under this section the board shall at its first meeting in each year appoint three persons, who need not be members of the board, and who shall constitute an equalization commission whose duty it shall be to equalize the assessment for public school purposes in the various municipalities included in the metropolitan school area, and the equalization commission shall make its report to the board within two months after such appointment.

Equaliza-  
tion com-  
mission.

(16) A copy of the report of the equalization commission shall be forwarded to every municipality included in or a portion of which is included in the metropolitan school area.

Report of  
equaliza-  
tion com-  
mission.

(17) An appeal shall lie on behalf of any municipality from the report of the equalization commission to the judge of the county court of the county, who shall hear and determine such appeal and whose decision shall be final.

Appeal.

(18) The procedure upon such appeal shall be the same as nearly as may be as in the case of an appeal from the decision of the county council upon the equalization of assessment for county purposes.

Procedure  
on appeal.

(19) For the purposes of this Act metropolitan school area shall be deemed to be an urban municipality, and the metropolitan public school board may issue debentures in its corporate name in the same manner as nearly as may be as in the case of debentures issued by a municipal corporation for public school purposes and all the provisions of *The Municipal Act*, and of this Act, with respect to the issue of debentures for public school purposes shall apply, but it shall not be necessary to obtain the assent of the electors in the metropolitan school area to any by-law for the issue of debentures of the board in any case where the Ontario Municipal Board, upon the application of the metropolitan public school board, certifies in writing that the annual rate required to meet the payment of principal and interest on any issue of debentures will not exceed, together with any already issued and outstanding, thirty per centum of the total rate required to be levied for public school purposes in the metropolitan school area.

Deben-  
tures

Rev. Stat.,  
c. 266.

Board to assume liabilities and obligations of existing boards.

(20) The board of the metropolitan school area shall be responsible for and shall discharge all liabilities and obligations of each of the school sections or municipalities included in the metropolitan school area and any indebtedness of the board of any school section or municipality shall be provided for by the general rate levied upon all property liable for taxation for public school purposes in the metropolitan school area.

Annual estimates.

(21) (a) The metropolitan school board shall annually, on or before the 1st day of March, make up its estimates of the cost of establishing, equipping and maintaining public schools in the metropolitan school area and the same shall be raised, levied and collected by general rate levied upon all property liable to taxation for public school purposes in the metropolitan school area.

Apportionment of amount required.

(b) The board shall apportion to each municipality, all or any part of which is included in the metropolitan school area, the amount to be raised in that municipality, and it shall be the duty of the council of such municipality to raise, levy and collect the same accordingly.

No other rates to be levied or shared in.

(c) No rates for public school purposes other than those provided for by this Act shall be raised, levied or collected in the metropolitan school area, and the metropolitan school area shall not share in the expenditure of any sum raised by any such rate except the rates to be levied and collected for the metropolitan school board under the authority of this Act.

Rural schools in metropolitan school area.

(22) Notwithstanding anything in the foregoing subsections contained, a public school in any part of a metropolitan school area which, if such part were not included in the metropolitan school area, would be a rural school, shall be deemed a rural school for the purposes of this Act, except as otherwise expressly provided in this section. R.S.O. 1927, c. 323, s. 18.

#### APPEALS FROM TOWNSHIP COUNCIL

Appeal to county council.

**20.**—(1) A board, or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk, appeal to the county council of the county in which such section or sections are situate against any by-law of the township council for the formation, division, union or alteration of their school section or sections, or against the neglect or refusal of the township council, on application being made to it by a board or any five ratepayers concerned, to form, unite, divide or alter the boundaries of a school section or school sections within the township.



(2) The time for appeal shall run from the date of the by-law complained of or from the date of the meeting at which the council refused to pass the by-law, or from the second meeting after which notice was received by the clerk of the application of the board or ratepayers asking for such by-law to be passed, as the case may be. Time for appeals.

(3) The county council may, if it thinks fit, appoint a board of arbitrators consisting of not more than five nor less than three competent persons, two of whom shall be the county judge, or some person named by him, and the inspector, and a majority of whom shall form a quorum to hear such appeal and to form, divide, unite or alter the boundaries of the school section or school sections so far as to settle the matters complained of. Appointment of arbitrators.

(4) Due notice of the alteration or of the determination of the arbitrators shall be given by the inspector to the clerk of the township and to the school boards concerned. Notice.

(5) In a provisional judicial district the appeal shall be to a board of three arbitrators composed of the judge of the district court or some person named by him, the inspector and some person appointed by by-law or resolution of the township council. Appeals in territorial districts.

(a) The notice of appeal shall be given to the clerk of the township, the inspector and the judge.

(b) The township council, at its first meeting after service of such notice upon the township clerk, shall appoint their arbitrator, and the clerk of the township shall forthwith notify the inspector of such appointment.

(c) The judge, upon receipt of the notice of appeal, shall notify the inspector in writing of his willingness to act as arbitrator, or shall name some person to act in his stead, and notify the inspector in writing of such appointment.

(d) When the board is complete the judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof.

(6) The alterations or determination of such matters, except as herein otherwise provided, shall not take effect before the 25th day of December in the year in which the award is made, and shall thence continue in full force for the period of five years at least, and thereafter until changed under this Act. When alterations or determination of appeal to take effect—duration.

Who may  
act as  
arbitrators.

(7) No person shall be nominated or appointed arbitrator who is a member of the township council or who was a member at the time at which the council passed or refused or neglected to pass the by-law. R.S.O. 1927, c. 323, s. 19.

#### CONSOLIDATED SCHOOLS

Agree-  
ments for  
consolida-  
tion.

**21.**—(1) For the purpose of establishing and maintaining consolidated schools agreements may be entered into for the consolidation of school sections, union school sections or incorporated villages, or union school sections composed of portions of townships and incorporated villages or portions of incorporated villages, or for the consolidation of any of these with any of the others.

Provisional  
division of  
school  
section.

(2) Where the council of a township deems it desirable, for the purposes of facilitating the establishment of a consolidated school, that a school section in the township should be divided, the council may, at any time, by by-law, divide such school section into two or more provisional school sections, and for the purpose of entering into an agreement under subsection 1, each part of the section so divided shall be deemed a separate school section, but such division shall not have effect or apply for any other school purpose until a consolidated school section has been established as provided in this section.

(a) Upon the establishment of a consolidated school section, including part of the section so divided, the council of the township may, by by-law, annex the remaining portion of the section to any contiguous school section, or may constitute it an independent school section.

Approval  
of rate-  
payers.

(3) The agreement shall be approved by the ratepayers in each section, and of any village or union school section or provisional school section party thereto in the manner following, that is to say,—

(a) in the case of a school section or provisional school section or a union school section which does not include an incorporated village or any part of an incorporated village, by a resolution of the ratepayers at a special meeting duly called for that purpose;

(b) in the case of a village, by a vote of the ratepayers who are public school supporters in the village, upon a question to be submitted in the manner provided by *The Municipal Act*;

(c) in the case of a union school section comprising a part or the whole of an incorporated village and a portion of a township,—

- (i) by a resolution of the ratepayers of each school section or portion of a school section included in a union school section lying in the township, to be passed at a meeting of the ratepayers of the section or portion of the section specially called for that purpose, in the manner provided by this Act with respect to public school meetings in rural school sections; and
- (ii) by a vote of the ratepayers in the village or part of a village included in the union school section, to be taken in the manner provided by clause b.

(4) The agreement shall provide for the apportionment and distribution of the assets and liabilities of the respective boards to be consolidated, and may provide for the levying of a special rate for a term of years in any part of the consolidated school section, in order to give effect to such apportionment and distribution, or the agreement may provide for such apportionment and distribution and for the fixing of any such special rate by a board of arbitrators, to be composed of the inspector, the judge of the county or district court of the county or district, and one person to be named by the council of the local municipality or by the councils of each of the local municipalities in which the consolidated school section or any part thereof is situated, and in case the number of arbitrators so chosen is an even number, an additional arbitrator may be appointed by the Minister.

(5) Where a consolidated school section includes territory lying in two or more townships,—

(a) the agreement for forming the consolidated school section shall determine what proportion of the cost of establishing and maintaining the school shall be borne by each township, or shall provide that such proportion shall be determined by the award of the arbitrators mentioned in subsection 4, and the same shall be annually raised, levied and collected upon the property liable to taxation for public school purposes in that portion of the consolidated school section lying within the boundaries of the township; and

(b) the proportions of the sums to be raised under section 112 for consolidated schools by the corpora-

tion of each of the townships interested shall be determined by agreement between the corporations of the townships, or in default of such agreement, by the board of arbitrators provided for in subsection 4.

Where village or portion of village included.

(6) Where a consolidated school section includes a village or a portion of a village, the agreement shall determine,—

(a) what portion of the cost of establishing and maintaining the school shall be borne by the village and by the township or townships, and that the same shall be annually raised, levied and collected by the village and by the township or each of the townships respectively, upon the property liable to taxation for public school purposes in that portion of the consolidated school section lying within the boundaries of the municipality;

(b) the proportion of the sums raised under section 112, which shall be borne by the corporation of the township or of each of the townships interested;

or the agreement shall provide that the matters referred to in the clauses *a* and *b* shall be determined by the award of the arbitrators mentioned in subsection 4.

Election of trustees where village included.

(7) Where a consolidated school section includes a village or a portion of a village, or a police village or a portion of a police village, the agreement may provide for the election of a member or members of the board of trustees of the consolidated school section by the ratepayers of the village or police village or that portion of the village or of the police village lying within the consolidated school section, and for the election of the remaining trustees by the ratepayers of that portion of the consolidated school section lying within the township or townships, and for the term of office of each of the trustees first elected and their retirement and the election of their successors as far as possible in conformity with the provisions of subsections 10 and 11.

Approval of Minister.

(8) The agreement for consolidation shall not come into force or take effect until it has been submitted to and approved by the Minister.

Agreement to be valid after approval.

(9) After the approval of the agreement by the Minister, it shall not be open to question upon the ground that the procedure prescribed by this section has not been followed or that there has been any irregularity or informality in such procedure, or upon any other ground whatsoever.



(10) Upon the approval of the agreement in writing by the Minister the agreement shall take effect forthwith, and thereupon the territory included in the agreement shall form a consolidated school section, and the first election of a board of trustees for the consolidated school section shall be held on a date to be fixed by the Minister.

When to  
take effect.

(11) Subject to the terms of any agreement entered into under the provisions of subsection 7, there shall be elected for the section a board of trustees to be composed of five members, one of whom shall be elected to hold office from the date of the first election until the date of the second annual municipal election held after the first election of trustees—two of whom shall be elected to hold office until the date of the third annual municipal election after the first election of trustees—and two of whom shall be elected to hold office until the date of the fourth annual municipal election after the first election of trustees—and thereafter at every annual municipal election a trustee or trustees shall be elected in place of the retiring member or members of the board and shall hold office for a term of three years and until his or their successor or successors are elected.

Election of  
board.

(12) The election of trustees shall be by ballot and shall be held as nearly as may be in the same manner as the election of members of a municipal council, and the secretary and secretary-treasurer of the board, or, in the case of the first election, a person appointed by the inspector, shall be the returning officer for such election, and all the provisions of this Act applicable to the election of school trustees by ballot shall apply as nearly as may be to the election of trustees under this section.

Procedure  
at election.

(13) Upon the election of a board of trustees of a consolidated school section, each of the boards in the territory consolidated shall be deemed to be dissolved and all the real and personal property vested in each of the said boards shall become vested in the board of trustees of the consolidated school section, and such board shall be a corporation by the name of "The Board of Trustees of Consolidated School" (*inserting name of school*), and shall possess all the powers and perform all the duties and be subject to all the liabilities conferred and imposed by this Act on the trustees of public schools.

Dissolu-  
tion of  
former  
boards.

Corporate  
name of  
board.

(14) Until a consolidated school is established, the board of trustees of the consolidated school section shall have the management and control of each of the schools in the territory consolidated, and shall have and may exercise and perform with respect to every such school the powers and duties

Manage-  
ment of  
schools  
pending  
establis-  
hment of  
consoli-  
dated  
school.

therefore vested in the board of public school trustees having the control and management of the school.

Disposing of school property in sections consolidated.

(15) The board of trustees of a consolidated school, with the approval of the Minister, may sell and dispose of the schoolhouses and other school property in the territory consolidated, and the proceeds thereof shall be applied in accordance with the terms of the agreement or award referred to in subsection 4.

Transportation of pupils.

(16) Subject to the regulations, the board of trustees of a consolidated school section may provide for the conveyance of pupils to and from school and for the cost thereof as part of the cost of maintenance of the school.

Name of school.

(17) The board of trustees, with the approval of the Minister, may select a name for the school.

Approval of plans, etc.

(18) The plans of any consolidated school building and the selection of a site therefor shall in every case be subject to the approval of the Minister.

To be deemed rural schools for purposes of county and provincial grants.

(19) For the purposes of the legislative grant for public and separate school purposes and of the county grant provided for in section 111, every consolidated school shall be deemed to be a rural school.

Regulations.

(20) Regulations may be made in the manner provided by *The Department of Education Act*, providing,—

Rev. Stat. c. 356.

- (a) for the form of agreement for the establishment of a consolidated school and the manner in which and the persons by whom the same shall be executed or authenticated;
- (b) for the procedure at any school meeting called for the approval of such agreement or on taking a vote of the ratepayers;
- (c) for plans and specifications of consolidated school buildings and outbuildings connected therewith;
- (d) for the number of teachers to be employed and the rooms and other accommodation and school supplies to be furnished in each school;
- (e) for equipment and appliances to be provided in the school;
- (f) for the apportionment and payment of any sums appropriated by the Legislature for consolidated school purposes, and the application thereof to the purchase of a site and the erection of school build-

ings thereon and the expenses of providing means of transportation for pupils to and from school;

- (g) for giving such directions as may appear to be necessary to carry out the provisions of this Act relating to the election of trustees and the holding of meetings, and for the guidance of returning officers, chairmen and other officers and persons charged with any duty respecting the same, and for modifying or altering any provision of this Act relating to such elections or meetings when the same appear to be inconvenient or impracticable, and for making due provision for circumstances which are not provided for or contemplated by this Act;
- (h) for permitting the board of trustees of a consolidated school and the trustees of any adjacent school section to enter into an agreement for incorporating such school section in the consolidated school section, and for prescribing the method in which the rights and liabilities of the respective boards shall be determined and the agreement consummated;
- (i) for determining all questions which may arise as to the rights, powers and duties of the board of trustees of a consolidated school section with respect to any matter as to which no express provision is made by this Act.

(21) The trustees of a consolidated school section at their first meeting and at the first meeting in each year thereafter for which an election has been held shall elect a chairman.

Chairman  
of board.

(22) The secretary of the board, or in the case of the first meeting of the board a person appointed by the inspector for that purpose, who shall be a ratepayer in the consolidated school section, shall preside at such election, and in case an equal number of votes shall be given for two or more candidates he shall give a casting vote.

Election of  
chairman.

(23) The councils of two or more townships, portions of which constitute a union school section, on the petition of five ratepayers resident in each of the municipalities concerned may, with the approval of the Minister, pass by-laws for dividing such union school section into two or more provisional school sections, and for the purpose of entering into an agreement under subsection 1, each part of the union school section so divided shall be deemed a school section, but such division shall not have effect or apply for any other school purpose until a consolidated school section has been established.

Where  
union school  
section in  
two or more  
townships  
included in  
consoli-  
dated school  
section.

Where part only of union section is included.

- (a) Upon the establishment of a consolidated school section including part of a union school section so divided, the remaining portion of the school section may constitute a school section or a union school section, as the case may be, or may be annexed to any contiguous school section or union school section.

Question of dissolution to be submitted to electors.

- (24) If, within two years after the approval of the Minister in accordance with subsection 10, the ratepayers have not voted the money required by the trustees for the erection of the school, the question of dissolving the consolidation shall be submitted by the board to a vote of the ratepayers in the same manner, as nearly as may be, as that provided for the election of trustees, and if a majority of the ratepayers who vote on the question are in favour of dissolving the consolidation, the Minister may approve of the dissolution and the return of the sections to their former status. R.S.O. 1927, c. 323, s. 20.

Grants to schools in sections having extended areas.

- 22.** Where the boundaries of a school section are extended so as to include territory in which children reside who are entitled to attend the school and whose place of residence is at a greater distance than three miles by the nearest highway from the school, the Minister may, subject to the regulations, make grants out of the appropriation for consolidated schools for the transportation of pupils and for the erection of school buildings, where, in the opinion of the Minister, such transportation and school buildings have become necessary by reason of such extension. R.S.O. 1927 c. 323, s. 21.

Council of urban municipality to issue consolidated school debentures.

- 23.** Subject to the terms of the agreement for the establishment of a consolidated school, where a consolidated school area includes an urban municipality and a rural school section or rural school sections or parts thereof, application for the issue of debentures shall be made by the board of the consolidated school area to the council of such urban municipality, and subsections 5 and 6 of section 54 shall apply *mutatis mutandis*. R.S.O. 1927, c. 323, s. 22.

Issue of debentures by township in which school is situate.

- 24.** Subject to the terms of the agreement for the establishment of a consolidated school, where a consolidated school area consists of school sections or parts of school sections situate in two or more districts, any debentures which may be issued upon the requisition of the board of the consolidated school area shall be issued by the council of the township in which the school is situate, and the provisions of section 55 shall apply *mutatis mutandis*. R.S.O. 1927, c. 323, s. 23.



**25.** Where a consolidated school section includes portions of two or more municipalities lying in the same county or in different counties, subject to the terms of the agreement for the establishment of a consolidated school, the money required to be raised for the purposes of the school shall be raised in the like manner, and the assessment upon which rates are levied for consolidated school purposes shall be equalized in the like manner as nearly as may be as in the case of a union school section similarly composed. R.S.O. 1927, c. 323, s. 24.

Where consolidated school section includes parts of two or more municipalities.

**26.** Where two or more schools have been established in a school section and the board of trustees of the section, by resolution approved of by the ratepayers at a meeting specially called for that purpose, signify their desire to establish a centrally located school in place of the schools theretofore maintained in the section, the Minister may authorize the establishment of a school in a location approved of by him and in conformity with the regulations, and may direct that such school shall, for the purposes of sharing in any grant made under the authority of section 21, and for the purposes of sharing in any county or township grant made under sections 111 and 112, be deemed to be a consolidated school. R.S.O. 1927, c. 323, s. 25.

Consolidation of schools in one section.

**27.**—(1) Where the council of a township has passed or hereafter passes a by-law under subsection 1 of section 14, to unite two or more school sections, and the school established or to be established in the section requires the employment of two or more teachers and it is necessary to provide means of transportation for the pupils of the school, the Minister, subject to the regulations, and upon the application of the board of trustees of the school section approved of by the ratepayers as provided in subsection 3 of section 21, may declare the school section to be a consolidated school section, and thereafter the said section shall apply thereto as if the school section were a consolidated school section established by agreement under subsection 1 of the said section.

Union school section may become consolidated school section.

(2) Where the councils of two or more townships have passed or hereafter pass a by-law under section 31 for the formation of a union school section, the same terms and conditions, *mutatis mutandis*, shall apply as in the case of subsection 1 above. R.S.O. 1927, c. 323, s. 26.

Terms.

#### ADJUSTMENT OF CLAIMS BETWEEN SECTIONS

**28.**—(1) On the formation, dissolution, division or alteration of any school section or sections in the same township, in case the boards of the sections interested are unable to agree, the inspector and two other persons appointed by the

Adjustment of claims between members of unions in same township.

township council shall, as arbitrators, value, adjust and determine in an equitable manner all rights and claims consequent upon such formation, dissolution, division or alteration between the respective parts of the township affected, and the determination of the arbitrators or of any two of them shall be final and conclusive.

Where more inspectors than one.

(2) Where there are more inspectors than one, the township council shall name the inspector who is to act. R.S.O. 1927, c. 323, s. 27.

#### SALE OF SCHOOL PROPERTY

Disposal of school property when not required.

**29.**—(1) When a school site, schoolhouse or other school property is no longer required, in consequence of the alteration or the union of school sections, the same shall be disposed of in such manner as a majority of the ratepayers in the altered or united school sections may decide at a meeting duly called for that purpose.

Application of proceeds where ratepayers transferred from one section to another.

(2) Where ratepayers are transferred from one school section to another the board of the section to which they are transferred shall be entitled, for the public school purposes of the section, to such a proportion of the proceeds of the sale as the assessed value of the property of the ratepayers so transferred bears to that of the whole number of ratepayers of the school section to which they belonged before the separation, and the residue of such proceeds shall be applied to the erection of a new schoolhouse or to other public school purposes in the old school section.

Application of proceeds in union sections.

(3) In the case of united sections the proceeds shall be applied to the public school purposes of the united section. R.S.O. 1927, c. 323, s. 28.

#### VALIDITY OF SCHOOL ARRANGEMENTS AND PROCEEDINGS

School sections and union sections confirmed.

**30.**—(1) Whenever a school section or a union school section has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be conclusively deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such section had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such section and notice thereof has been given to the persons who, according to the practice of the court in which the proceedings are taken, ought to be served with notice thereof, and such proceedings shall result in its being determined that such section has not been legally formed.

(a) Provided that where the boundaries of one or more school sections have been altered by the award of a board of arbitrators under the provisions of this Act and such award has not been acted upon for a period of two years, the Minister may cancel such award and may direct the appointment of new arbitrators or may himself appoint arbitrators for the reconsideration of the matter, and where the arbitrators are appointed by the Minister their award shall not be subject to any appeal.

When  
award  
may be  
cancelled.

(b) Where an award is cancelled by the Minister as provided in clause a, such cancellation shall be deemed to have had effect from the time of the making of the award.

When  
cancellation  
to take  
effect.

(2) No proceeding in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, and no arbitration or award in reference thereto or as to any matter which by the provisions of this Act are to be or may be determined by arbitration shall be deemed to be invalid or shall be set aside because of the failure to comply with the provisions of this Act, applicable to such proceeding, arbitration or award, unless, in the opinion of the tribunal before which such proceeding, arbitration or award is called in question the same, if allowed to stand, will cause substantial injustice to be done to the persons affected thereby, or some of them.

No proceeding  
invalidated  
unless  
where  
substantial  
injustice.

(3) Should any question arise touching the validity of the proceedings in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, or touching the selection, adoption or change of a school site, or touching any by-law of the council of any municipal corporation in any way relating to such matters or any or either of them, or touching any arbitration or award heretofore or hereafter had or made under the provisions or authority of this Act, the same shall not be raised or determined by action or proceeding in the Supreme Court, but shall be raised, heard and determined upon a summary application to the judge of the county or district court of the county or district in which such school section or some part thereof is situate, and the decision of such judge shall be final and conclusive unless special leave to appeal therefrom shall be given by the Supreme Court or a judge thereof, and if such leave be given an appeal shall lie to the Supreme Court upon questions of law only, upon and subject to such terms and conditions as the Court or judge giving the leave shall prescribe.

Jurisdiction  
of  
county or  
district  
judge.

Appeals  
where judge  
is  
arbitrator.

(4) Where the question touches an arbitration or award to which the judge has been a party, the application shall be heard and determined by the judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census. R.S.O. 1927, c. 323, s. 29.

#### UNION SCHOOL SECTIONS

What  
unions may  
be formed.

**31.**—(1) A union school section may be formed between parts of two or more adjoining townships, or a union may be formed between parts of one or more townships and an adjoining urban municipality not being a city or a separated town, and in such case the union shall be considered an urban municipality.

How union  
school sec-  
tion to be  
formed.

(2) A union school section may be formed consisting of a part of a township or parts of two or more townships and an adjoining city or separated town where the suburban school section or sections concerned, by a majority vote at a meeting of the ratepayers in such section or in each of such sections regularly called, approves of such annexation, and such union is also approved by the urban board, and the union shall take effect on the 25th day of December next after the union has been confirmed by by-laws passed by the councils of the township and the city or separated town respectively, at the request of the boards of the suburban school section or sections and of the city or separated town.

Assess-  
ment in  
such cases.

(3) Where a union school section is established under subsection 2, the assessment for school purposes of all property liable to taxation in the rural portion of the union school section shall be fixed from year to year by a board of three arbitrators, one of whom shall be appointed by each of the townships interested, one by the council of the city or town and one by the Minister.

Assess-  
ment roll.

(4) For the purpose of subsection 3 the assessor of the township in which the rural portion of the union school section is situate shall deliver a copy of the assessor's roll or so much of it as may be necessary, to the board of arbitrators who shall within two weeks thereafter return the same to the assessor with the assessment required for school purposes.

Board to  
determine  
proportion  
of annual  
requisition.

(5) The board of arbitrators shall, after they have completed the revision and before the 1st day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters in the rural portion of the union section.



(6) The council of the township in which the rural portion of the union school section lies shall levy in each year on all the property liable for assessment for school purposes in the rural portion of the union school section according to the assessment fixed as provided in subsection 3 a rate equal to the rate imposed by the corporation of the city or town for public school purposes.

Township council to levy.

(7) Except where the section is an urban municipality, the board shall be a corporation under the name of "The Board of Public School Trustees of Union School Section number                      in the                      ."

Corporate name.

(8) A union school section may be formed, altered or dissolved on the petition of five ratepayers from each of the municipalities concerned to their respective councils asking for the formation, alteration or dissolution of the section.

Procedure for formation, alteration or dissolution of union.

(9) Each of the councils so petitioned may appoint an arbitrator who shall not be a member of the council, and notice of the appointment shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall also be arbitrators.

Appointment of arbitrators.

(10) A council may act upon a petition addressed to the councils concerned or to any two or more of them jointly if such petition is signed by five ratepayers of the municipality acting thereon.

Petition of council.

(11) Where there would otherwise be an even number of arbitrators the judge of the county or district court, or some person named by him, shall be added, and where the arbitration affects two or more counties or districts the judge of the county or district court of the county or district which has the largest population according to the last Dominion census, or some person named by him, shall be added.

Where even number of arbitrators appointed, county judge to act.

(12) The arbitrators, or a majority of them, may make and publish the award.

Majority award.

(13) The first meeting of the arbitrators shall be called by the senior inspector, who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned who shall forthwith notify the arbitrators appointed by their respective councils.

First meeting of arbitrators.

(14) Where the arbitrators determine upon the formation of a new union section, or upon the alteration of the boundaries of an existing union section, they shall in their award set forth the specific parcels of land to be included in such new union section or in such altered section as the case may be.

Award, what to contain.

Award to  
set out land  
transferred.

(15) In the event of the transfer of any land from an existing union section to some other section, the arbitrators shall in their award set forth to what other section such transfer shall be made.

In case of  
dissolution.

(16) Where the arbitrators determine upon the dissolution of an existing union section, they shall set forth in their award the section or sections to which the land composing such union section shall be attached.

Reorganiz-  
ing union  
section.

(17) Where the arbitrators are of opinion that it would be in the interests of the parties concerned, and that it is practicable so to do, they may form part of the territory of a section into a new section, or form a new union section, and they shall indicate the land of which such section or union section shall be composed, and the remainder of the union section shall be disposed of as herein provided.

Fixing pro-  
portions of  
liabilities.

(18) Where a new union section is formed or an existing union section is altered, the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection of the schoolhouse and the maintenance of the school and other necessary expenses. R.S.O. 1927, c. 323, s. 30 (1-18).

Adjust-  
ment of  
claims.

(19) The arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of a union section between the respective municipalities, school sections and ratepayers concerned, and shall also determine in what manner and by what municipality or municipalities or by what parts thereof the same shall be paid and the money to be paid by one part of the municipalities or school sections concerned to the union section so formed or altered, and the disposition of the property of the union section, and any payment by one part to the other and the right of any ratepayer affected by the award.

School arbi-  
trations,  
payment  
of award.

Rev. Stat.,  
c. 266.

(a) Where the award directs the payment of any sum of money by one municipal corporation to another, the corporation liable may pass a by-law for borrowing the money by the issue and sale of debentures, and it shall not be necessary to obtain the assent of the electors to any such by-law, or to observe the other formalities in relation thereto prescribed by *The Municipal Act*.

Debentures  
to be a  
charge on  
public  
school rates.

(b) The debentures and the money to be raised annually for the payment thereof shall be chargeable only upon the property of ratepayers who are the supporters of public schools.

- (c) The debentures may be for such amount and for such term of years, not exceeding thirty, as the council sees fit, or the council may make the principal and interest payable in annual or other instalments in the manner provided by *The Municipal Act*. R.S.O. 1927, c. 323, s. 30 (19) ; 1930, c. 63, s. 4. Term and form of debentures. Rev. Stat., c. 266.

(20) Where a new union section is formed, the inspector authorized under subsection 13 to call the first meeting of the arbitrators shall call the first meeting of electors for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act. Calling first meeting to elect trustees.

(21) Such union, alteration or dissolution, except as herein otherwise provided, shall not take effect until the 25th day of December after the award or a certified copy thereof is filed with the clerks of the municipalities concerned, but the trustees may at any time after their election raise money for and may acquire a school site, erect school buildings and provide school equipment. Not to take effect till the 25th of December, except for certain purposes.

(22) Subject to the provisions of subsections 6, 7 and 8 of section 14 and subsection 27 of this section, a union school section shall not be altered or dissolved for a period of five years after the award has gone into operation, whether the award does or does not change the boundaries of existing sections, but nothing herein shall prevent a municipal council from enlarging the boundaries of a union section as may be deemed expedient, and two-thirds of the ratepayers of a union section may, at the expiration of three years from the date of its formation, petition the municipal council or councils concerned for a reconsideration of the award for the formation of the section, and the proceedings shall be the same as in the case of a petition under subsection 8. Reconsideration of union school section award.

- (a) Where the arbitrators appointed by the councils of the municipalities interested have failed to establish a union school section in accordance with the petition, or where the arbitrators appointed by the council of a county have set aside an award made by the arbitrators appointed by the councils of the local municipalities, the council of each of the local municipalities on the petition of at least five ratepayers resident in the municipality asking for reconsideration of the award after the expiration of two years from the date of the award may appoint arbitrators and take all other necessary proceedings as provided by this section for the establishment of such union school section. Failure to act on award changing school boundaries—cancellation of award.

New arbitration after three years.

(23) Where an award, whether for or against the formation of a new union school section, has not been acted upon the proceedings mentioned in subsection 1 may be taken at any time after the expiration of three years after the award was made.

New arbitration when award set aside.

(24) Where an award, whether for or against the formation of a new union school section, has been adjudged illegal or void, the proceedings mentioned in subsections 1 and 8 may be taken at any time after the expiration of the time for appealing against the judgment or decision or after the disposition of any appeal therefrom. R.S.O. 1927, c. 323, s. 30 (20-24).

Union school sections in districts.

(25) In a provisional judicial district,—

(a) a union school section may be formed of any two or more of the following, namely—an organized township or any part thereof, or two or more organized townships or parts thereof, an unorganized township or any part thereof, or two or more unorganized townships or parts thereof, unsurveyed territory, and a town or village, and the union school section may be altered or dissolved, and in such case the petition of the ratepayers for the part of the union school section not included in an urban municipality or organized township shall be presented to the inspector ;

School arbitrators in districts.

(b) the arbitrators shall be—one person appointed by each of the councils of the organized municipalities concerned, the inspector of the district and the judge of the county or district court or some person named by him, and they shall have all the powers of the board of arbitrators mentioned in this section, all of which, so far as applicable, shall apply to the subject matter of this subsection. R.S.O. 1927, c. 323, s. 30 (25) ; 1934, c. 52, s. 3.

Alterations of boundaries not to affect power to form unions.

(26) The powers conferred by this section may be exercised notwithstanding that the period fixed by subsection 2 of section 14 or by subsection 1 of section 39 has not expired.

Alteration or dissolution when assessment materially altered.

(27) Where within the period of five years mentioned in subsection 22 the assessment of the union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, such union school section notwithstanding the provisions of that subsection may be altered or dissolved. R.S.O. 1927, c. 323, s. 30 (26, 27).

Appeal relating to union school within a county.

**32.—**(1) Where the territory which it is proposed to form into a union section, or where the union section which it is proposed to alter or dissolve lies wholly within a county, the



board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council from any award made by the arbitrators either for or against the formation, alteration or dissolution of such section or against the neglect or refusal of the township council or councils concerned to appoint arbitrators as provided in section 31.

(2) On receipt of such appeal, the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 31 and the decision of a majority of them shall be final and conclusive.

Appoint-  
ment of  
arbitrators  
by county  
council.

(3) The first meeting of such arbitrators shall be called by the county clerk. R.S.O. 1927, c. 323, s. 31.

First meet-  
ing of  
arbitrators.

**33.**—(1) Where territory which it is proposed to form into a union school section or where the union school section which it is proposed to alter or dissolve comprises an organized or unorganized township or any part thereof, and an urban municipality, or lies in more than one county, or in a district, the board, or any five ratepayers in the union school section or territory concerned, or any inspector or inspectors may at any time appeal to the Minister from any award made by arbitrators for or against the formation, alteration or dissolution of such section or against the refusal or neglect of the council or councils concerned to appoint arbitrators as provided in section 31.

Appeals to  
Minister  
from school  
arbitrators  
in case of  
union school  
section.

(2) The Minister may in his discretion alter, determine or confirm such award, or where no award has been made he may appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 31, and a decision of a majority of them shall be final and conclusive.

Powers of  
Minister.

(3) The first meeting of the arbitrators shall be called by the Minister. R.S.O. 1927, c. 323, s. 32.

First meet-  
ing of  
arbitrators.

**34.** The collectors of each municipality in which a part of a union section is situate shall collect the school rates for that part, and the amount collected from the ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and the treasurer shall pay over the same without any charge or deduction to the board entitled thereto. R.S.O. 1927, c. 323, s. 33.

Collection  
of rates in  
union school  
sections.

Union sections as a consequence of a division of township.

**35.** Where a township is divided for municipal purposes, all school sections which, in consequence of such division, are situate partly in each of the newly formed municipalities shall be deemed union sections until otherwise altered under the provisions of this Act. R.S.O. 1927, c. 323, s. 34.

Election of trustees, and inspection of union school sections.

**36.** Every union school section shall, for the purpose of the election of trustees, be deemed one section, and in respect to inspection shall be deemed to be within the municipality in which the schoolhouse is situate, or if there are two or more schoolhouses, then in that municipality within which a schoolhouse is situate which has the largest amount of property assessed for public school purposes. R.S.O. 1927, c. 323, s. 35.

Where township ratepayers to vote when urban municipality divided into wards.

**37.—(1)** Where a union school section includes an urban municipality divided into wards and part of an adjoining township, the board shall by resolution determine in which ward or wards the electors of the township shall vote for the election of school trustees and on other school questions, and in the absence of any such resolution, then such part of the township shall be considered for all election purposes as attached to the adjacent ward, and if two or more wards are adjacent, any such elector may vote in either of such wards.

List of voters.

**(2)** The clerk of the township shall furnish to the clerk of the urban municipality a certified copy of so much of the last revised voters' list of the township as contains the names of electors qualified to vote in that portion of the union school section lying within the township. R.S.O. 1927, c. 323, s. 36.

Where part of a township is annexed to urban municipality.

**38.—(1)** Where part of a township becomes incorporated as or is annexed to and becomes part of an urban municipality such part shall for all school purposes be deemed to be part of the urban municipality, provided that when the part incorporated or annexed comprises or includes part only of a school section, the municipalities interested, unless determined by agreement after the incorporation or annexation, shall each appoint an arbitrator who, with the judge of the county or district court, shall value and adjust in an equitable manner the rights and claims of all parties thereby affected, and shall determine by which municipality or part thereof the same shall be paid or settled.

Arbitration to determine rights.

Effect of award.

**(2)** The award shall be final and conclusive, and any money found due, either by agreement or under the award, shall be deemed public school money and shall be payable out of the property taxable for public school purposes in that part of the school section situate within the indebted municipality.

(3) The provisions of section 55 shall not apply to the money required to be paid under the award or agreement, and debentures may be issued to be payable out of the property so taxable without calling a special meeting of the electors and upon the terms and conditions set forth in a by-law of the council of the municipality.

Issue of  
debentures.

(4) Subject to the provisions of this Act as to the alteration of school boundaries and the formation of union school sections, where a part of a township so incorporated or annexed includes part only of a school section, the part remaining shall constitute a school section by the same name as before the incorporation or annexation, and the school corporation shall continue, and the trustees who are in office at the time of such incorporation or annexation shall continue in office until their successors are elected and shall be the board of public school trustees for the part of the section not so included in the urban municipality, and the trustees may resume office or be elected for the section in case the board has been disbanded, and action may be taken by the township council at any time, as provided by this Act, to readjust the boundaries of the portion of the section that is not included in the urban municipality.

Status of  
the part of  
a school  
section  
which is not  
annexed.

(5) Where urban municipalities become united, all the assets and liabilities of the board of each municipality shall be vested in and assumed by the board of the united municipality. R.S.O. 1927, c. 323, s. 37.

Disposition  
of assets  
and lia-  
bilities upon  
union of  
muni-  
cipalities.

#### MAINTENANCE OF UNION SCHOOLS

**39.**—(1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per centum of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section is situate shall, after they have completed their respective assessments and before the 1st day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies.

Assessors  
to determine  
proportion.

(2) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for school purposes, the assessors shall, at their next meeting, revise the equalization.

Assessment  
altered by  
exemptions.

Meeting of  
assessors.

(3) The meeting of the assessors shall be called by the assessor of the municipality in which the schoolhouse is situate.

By whom.

(4) Where there are more assessors than one, the head of the municipal corporation shall name the assessor who shall act.

Notice of  
determina-  
tion.

(5) Notice of the determination shall be given forthwith to the secretary of the board and to the clerk of each municipality.

Arbitration  
where  
assessors  
disagree.

(6) Where the assessors disagree, the inspector in whose inspectorate the school of the union section is situate, and the assessors, shall be arbitrators to determine the matter and report to the secretary of the board and to the clerk of each municipality, on or before the 1st day of July. R.S.O. 1927, c. 323, s. 38 (1-6).

When  
school  
section lies  
in two  
counties.

(7) Where the union school section is composed of parts of two adjoining counties, then on the disagreement of the assessors, the inspector of the township in which the schoolhouse of the section is situate shall act with the assessors. R.S.O. 1927, c. 323, s. 38 (7) ; 1930, c. 63, s. 5.

Duration of  
decision of  
assessors.

(8) The decision of a majority of the arbitrators shall be final and conclusive until the next equalization of assessments takes effect.

Reconsider-  
ation of  
award.

(9) The assessors or, in the case of an arbitration, the arbitrators on the request in writing of the inspector or of five ratepayers may within one month after the report of the determination or award to the secretary of the board correct any omission or error in the terms in which the determination or award is expressed.

Costs.

(10) The cost of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in the same proportion as the equalized assessments bear to each other. R.S.O. 1927, c. 323, s. 38 (8-10).

#### CONFIRMATION OF BY-LAWS AND AWARDS

Certain  
by-laws and  
awards to  
be valid  
unless  
notice to  
quash given.

**40.**—(1) A by-law of a municipal council for forming, altering or dissolving a school section, and an award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding, notwithstanding any defect in substance or form, or in the manner or time of passing or making the same unless notice of an application to quash such by-law or to set aside such award is given to the township clerk within one month after the publication of such by-law or award, and the same is subsequently quashed or set aside.



(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary of each board of trustees affected thereby. R.S.O. 1927, c. 323, s. 39. What deemed publication of by-law.

(3) Arbitrators appointed under any of the provisions of this Act shall make their award within one month from the time when the last arbitrator was appointed, provided, however, that the county or district judge may extend the time for making an award upon application to him by the arbitrators either before or after the time for making the award has expired. 1932, c. 42, s. 6. Time for making awards.

#### ESTABLISHMENT OF SECOND SCHOOLS IN SECTIONS WHERE ROADS IMPASSABLE

**41.**—(1) Where it appears to the Minister that owing to the condition of the roads or other causes the public school in any school section in any township is inaccessible, during certain months of the year, to any of the pupils entitled to attend such school, the Minister may require the council to form a new school section or the board to provide a second school in their section, or to provide transportation to and from the school for such pupils. Establishment of second school.

(2) The Minister may provide that the second school be opened during such months of the year as he may deem necessary and may prescribe the area from which pupils shall have the right to attend such second school. Determining months in which second school to be open.

(3) Any grant in either case from the assisted school fund shall be supplemented by equal amounts from the townships and county councils. Grant.

(4) The provisions of subsection 1 of section 6 shall not apply to a school established under this section, but nothing herein shall relieve the pupils attending such second school from attendance at the public school of the school section during those periods of the school year in which the second school is closed, nor relieve the board of such school section from the duty of providing school accommodation for such pupils during such periods. R.S.O. 1927, c. 323, s. 40. Attendance at school when second school closed.

#### SECTIONS IN UNORGANIZED TOWNSHIPS

**42.**—(1) Subject to the approval of the Minister, the inspector may form an unorganized township or part of an unorganized township or parts of two or more adjoining unorganized townships into a school section. R.S.O. 1927, c. 323, s. 41 (1); 1934, c. 52, s. 4 (1). Formation of school sections.

Limits of section.

(2) The section shall not, in length or breadth, exceed five miles, and subject to this restriction, the boundaries may, with the approval of the Minister, be altered by the inspector from time to time. R.S.O. 1927, c. 323, s. 41 (2); 1934, c. 52, s. 4 (2).

Inspector may transfer land to contiguous school section.

(3) The inspector on the petition of any head of a family who has a child attending school and who lives in one school section on land contiguous to another school section may alter the boundaries of such sections so as to transfer such land from one section to the other, but such transfer shall not relieve the land from any taxation required to meet a liability incurred prior to the transfer, nor shall it be made unless in the opinion of the inspector it is more convenient for the child to attend the school in the section to which the transfer is requested. R.S.O. 1927, c. 323, s. 41 (3).

Election of school trustees.

(4) After the formation of a section any two ratepayers in the section may, by notice posted for at least six clear days in not less than three of the most public places in the section, appoint a time and place for a meeting for the election of three school trustees for the section.

Trustees' powers and obligations.

(5) The trustees elected at such meeting or at any subsequent school meeting of the section shall have the powers and be subject to all the obligations of public school trustees, and may at any time after their election take the proper steps, in accordance with the provisions of this Act, to raise funds for and purchase a school site and erect school buildings and provide equipment for the school, but in other respects any alteration of the boundaries of a section shall go into operation on the 25th day of December next after such alteration and not before. R.S.O. 1927, c. 323, s. 41 (5, 6).

Sections to be divided into groups.

**43.**—(1) The inspector shall divide the school sections into groups of three or as near thereto as practicable, and shall notify the secretary of each section of the group to which it belongs, and the grouping may be changed from year to year as the inspector may direct.

Court of revision.

(2) The treasurers of the boards in a group shall constitute a court for the revision of the school assessment rolls of the sections in the group, and for the hearing and determination of any appeals against the same, and the members of such court shall be paid reasonable travelling expenses by their respective boards for their attendance. R.S.O. 1927, c. 323, s. 42 (1, 2).

When inspector to act as court of revision.

(3) Where, from the sparseness of settlements, it would be inconvenient for a court of revision to meet for the revision of the assessment roll of any section, the inspector, on the

request of any board, may assume or may, by writing, appoint some other person to assume the functions of a court of revision for the section on behalf of which the request is made, and all the proceedings of the inspector or other person appointed by him in the matter shall be subject to the provisions of this Act and shall have the same effect as if made in a court of revision constituted under subsection 2. R.S.O. 1927, c. 323, s. 42 (3) ; 1936, c. 55, s. 28.

**44.**—(1) The board shall, annually, at their first meeting, and not later than the 1st day of March in each year, appoint an assessor, who may be one of themselves, to prepare an assessment roll for the section, and the secretary shall submit a certified copy of the same to the proper court for revision. Annual assessment roll.

(a) Where a new school section is formed after the 1st day of March in any year, the appointment of an assessor shall be made as soon after its formation as possible. Appointment of assessor for new section.

(2) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his place of residence, or, if a non-resident, by mailing the same by registered post to his last known address, or, if his address is unknown, by posting up the same in the post office nearest to the land assessed. Notice of assessment.

(3) The assessor shall be subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable property in the section, and shall, before returning his assessment roll to the secretary of the board, attach thereto a certificate signed by him and verified upon oath according to the form prescribed in *The Assessment Act*. Assessor to make oath. Rev. Stat., c. 272.

(4) The assessor shall return the assessment roll to the secretary not later than the 1st day of June of the year in which the assessment is made. Return of roll.

(5) A copy of the roll so certified shall be open to inspection by all persons interested at some convenient place in the section, notice whereof signed by the secretary shall be posted up by him in at least three of the most public places in the section, and shall state the place and the time at which the court will hear appeals against the assessment. Appeal against assessment.

(6) The notice shall be posted up for at least three weeks before the time appointed for hearing the appeals, and shall be mailed by registered post to the last known addresses of non-resident ratepayers. Posting up notice.

Manner of  
appeal.

(7) Subject to the provisions of clauses *a* and *b*, all appeals and the proceedings thereon shall be the same as nearly as may be as in the case of appeals to a court of revision, from municipal assessments, and the court of revision shall have the same powers as municipal courts of revision.

(*a*) The notice of appeal shall be given to the treasurer of the board within one month after the delivery, mailing and posting up of the notice provided for by subsection 2.

(*b*) The court may appoint a competent person to be its clerk for each section or one for all the sections.

School  
census.

(8) The assessor, when making his assessment, shall enter in a book to be provided by the board the name, age and residence of every child between the ages of five and twenty-one years resident in the section and the name and residence of such child's parents or guardian, and shall, with the assessment roll, return the book to the secretary, and the secretary shall include a copy of the particulars entered in the book in his annual report to the inspector.

Confirmed  
roll binding.

(9) The roll, as finally passed and signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section until the roll for the succeeding year is passed and signed as aforesaid. R.S.O. 1927, c. 323, s. 43.

Assessment  
of portion  
of un-  
organized  
township  
forming  
with organ-  
ized mun-  
cipality, a  
union school  
section.

**45.**—(1) Any part of an unorganized township which forms part of a union section, the remainder of which is an organized municipality or part of an organized municipality, shall for public school purposes be deemed to be annexed to such organized municipality, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of such union section as with respect to any part thereof which lies within the organized municipality.

Where  
joined with  
a town in a  
judicial  
district.

(2) Where a union section is composed of a town in a provincial judicial district and of a portion of any other organized municipality and any part of an unorganized township the part of the unorganized township included in the school section shall, for public school purposes, be deemed to be annexed to the town and form part thereof, and the officers of the town shall make any assessments and collect all taxes and do all such other acts and perform such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of such union section as with respect to the town. R.S.O. 1927, c. 323, s. 44.



(3) Any assessments to be made and taxes to be collected under this section with respect to part of an unorganized township shall include as part thereof the proper proportion of the salaries and expenses of the officers making the said assessments and collecting the said taxes, having regard to the ratio which the assessment in that part of the unorganized township bears to the total assessment of the union section. 1931, c. 71, s. 3.

Taxes to include expense of assessment and collection.

**46.**—(1) In unorganized townships, the board of a section may issue debentures for the purchase of a school site and the erection of a school house, for such amounts and for such term of years, not exceeding thirty, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided by *The Municipal Act*, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section.

Issuing debentures for school sites and houses.

Rev. Stat., c. 266.

(2) The debentures shall be signed by the trustees and shall be sealed with the corporate seal of the board, and shall be a charge upon the taxable property of the public school supporters of the section. R.S.O. 1927, c. 323, s. 45.

Signing and sealing debentures.

**47.**—(1) The board may appoint some competent person who may be a member thereof to collect the rates imposed by them upon the ratepayers of their section, or the sums which the inhabitants or others may have subscribed, and may pay to such collector at the rate of not less than five nor more than ten per centum on the moneys collected by him, and every collector shall give security satisfactory to the board, and the security shall be lodged for safe keeping with the inspector.

Appointment and duties of school collector.

(2) Every collector shall have the same powers in collecting the school rate or subscriptions, and shall be under the same liabilities and obligations and proceed in the same manner in the section or township, as a township collector in collecting rates in his township as provided by *The Assessment Act*.

Powers and liabilities of school collector.

Rev. Stat., c. 272.

(3) The collector shall, on or before the 1st day of June in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the county or district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of such return with the year for which the rates so in arrear were imposed.

Return of arrears of taxes in unorganized territory.

Entry in  
sheriff's  
book.

(4) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Payments  
of arrears  
thereafter.

(5) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the same became due, but in the case of payments made before the expiration of such period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book kept by him.

When  
arrears to  
be paid to  
sheriff.

(6) After the expiration of such period, all such arrears shall be payable to the sheriff, who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board. R.S.O. 1927, c. 323, s. 46 (1-6).

Sale of land  
for arrears.

(7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the same became payable, the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. R.S.O. 1927, c. 323, s. 46 (7); 1933, c. 58, s. 7.

#### SCHOOLS IN UNSURVEYED DISTRICTS

Schools in  
unsurveyed  
districts.

**48.**—(1) In any part of Ontario not surveyed into townships, five of the inhabitants thereof who are twenty-one years of age may call a public meeting of such inhabitants, by giving such notice of the meeting as the public school inspector shall direct.

Election of  
trustees.

(2) The meeting may elect three of the inhabitants to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of this Act.

Notice to  
the Minister  
of Educa-  
tion.

(3) On receipt of a report from the inspector that a public school has been established and suitable accommodation and equipment provided for public school purposes, the Minister may pay over to the board, out of the appropriation made by this Legislature for public schools, such sum of money for the maintenance of such school as may be approved by the Lieutenant-Governor in Council. R.S.O. 1927, c. 323, s. 47.

**49.** In addition to any other remedy possessed by public school trustees in unorganized townships or in unsurveyed territory, for the recovery of rates imposed under the authority of this Act, the trustees, with the approval of the inspector in writing signed by him, may bring an action in any court of competent jurisdiction for the recovery of any rates in arrear against the person assessed therefor. R.S.O. 1927, c. 323, s. 48.

Collection of rates in unorganized townships by action.

#### EXEMPTIONS

**50.** No by-law of a municipal council passed after the 14th day of April, 1892, or hereafter passed, for exempting any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind. R.S.O. 1927, c. 323, s. 49.

Exemption by-laws not to include school taxes.

#### RETURN OF ANNUAL CENSUS

**51.—**(1) The clerk of every county shall make a return to the Minister showing the population of each local municipality within the county, and the clerk of every city and of every separated town shall make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous years, such returns to be made on or before the 1st day of April in each year.

Clerk to make returns of population.

(2) The clerk of every county shall furnish the inspector forthwith on demand with such school statistics in regard to assessments as the Minister may direct. R.S.O. 1927, c. 323, s. 50.

Clerk to furnish inspector with school statistics.

**52.—**(1) The clerk of every township shall give to the inspector when requested by him, a statement of the assessed value of each school section as shown by the last revised assessment roll, and at the request of any board shall furnish them with a statement showing the several parcels or lots of land composing the school section, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel or lot, and the other particulars required by section 33 of *The Assessment Act* as to the children in each section, and the cost of preparing this statement shall be paid by the board applying for the same.

Clerk to give copy of assessment to inspector.

Rev. Stat., c. 272.

(2) The clerk of every township in which a section is situate which is wholly or in part united to an urban municipality shall give to the clerk of the urban municipality such information as may be required regarding population and

Statement to be furnished to urban municipality by clerk of township.

assessment in connection with such section. R.S.O. 1927, c. 323, s. 51.

#### APPORTIONMENT OF INVESTMENTS BY TOWNSHIPS

Apportionment of school money by township councils.

**53.** The council of every township may by by-law apportion among the school sections in the township the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid to the teachers engaged by the respective boards during the past year, or according to the average attendance of pupils in each section during the same period. R.S.O. 1927, c. 323, s. 52.

#### BORROWING POWERS

##### *In Urban Municipalities*

Debentures for school purposes.

**54.—(1)** The council of an urban municipality, on the application of the board, may pass a by-law for borrowing money by the issue and sale of debentures for any one or more of the following purposes,—

- (a) the purchase or enlargement of a school site or building;
- (b) the purchase or enlargement of a site and the erection thereon of a building for the use of the board for administration or office purposes;
- (c) obtaining and conveying, from beyond the school premises if necessary, a supply of water;
- (d) the erection of a schoolhouse, drill hall, gymnasium or teacher's residence, or any addition to the same or any of them;
- (e) repairs or improvements of the school property;
- (f) the purchase of furniture, furnishings, school apparatus, a school library and other equipment;

and it shall not be necessary that the by-law shall be submitted to the electors for their assent.

Chargeable only on property of public school supporters.

(2) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools.

Submission of question to vote of electors.

Rev. Stat., c. 266.

(3) Where the council refuses to pass such a by-law the question shall be submitted by the council, if requested by the board, to the vote of the electors qualified to vote under *The Municipal Act* on money by-laws and who are supporters of public schools, in the manner therein provided, and on



the assent of such electors being obtained the council shall pass the by-law and issue such debentures, and it shall not be necessary that the by-law shall be submitted to the electors for their assent.

(4) The debentures may be for such amount and for such term of years, not exceeding thirty, as the council sees fit, or the council may make the principal and interest payable by annual or other instalments, in the manner provided in *The Municipal Act*. Form and term of debentures. Rev. Stat., c. 266.

(5) The application for the issue of debentures by the board of an urban municipality to which part of an adjoining township is attached shall be subject to the provisions of this section, and where a by-law is submitted to the electors as provided in subsection 3, the vote shall be taken in the same manner as nearly as may be as at an election in a union school section consisting of an urban municipality and a portion of a township, but only those electors shall vote who are public school supporters qualified to vote on money by-laws under *The Municipal Act*. Where application is made by urban board and part of township attached.

(6) Where the amount provided by a by-law passed under the authority of this section proves insufficient for the purposes for which the by-law was passed the council may pass another by-law for borrowing the remainder of the money required for such purposes, and all the provisions of this section shall apply to the application for the issue of debentures for the amount required, and to the passing of a by-law for that purpose. R.S.O. 1927, c. 323, s. 53. Where insufficient money borrowed.

### *In Rural Sections*

**55.**—(1) On the application of a rural school board for the issue of debentures for any of the purposes mentioned in section 54 the council of the township shall pass a by-law therefor, and shall forthwith issue debentures to be payable out of the taxable property of the public school supporters of the section in such annual amounts as they may deem expedient, provided always that the proposal for the loan has been submitted to and sanctioned at a special meeting of the ratepayers called for the purpose. Township school debentures.

(2) The application for a loan for any of such purposes shall be made by the board of a union school section to the council of the municipality within which the schoolhouse or school site of such section is situate, and all debentures for the payment of the loan shall be issued by the corporation of such municipality. To what council applications for loans to be made.

Sanction by ratepayers.

(3) The application must be sanctioned by the ratepayers of the school section in the manner set forth in subsection 1.

Application of proceeds of debentures.

(4) Where the by-law authorizes the issue of debentures for the erection of buildings such proportion of the proceeds of the debentures as may be necessary may be applied for the purchase or enlargement of a school site upon which such buildings are to be erected.

Municipality forming part of union section to pay in proportion.

(5) The corporation or corporations of any other municipality or municipalities forming, or any part of which forms, part of the union section shall, on the requisition of the clerk of the municipality by which the debentures were issued, pay its or their share of the loan, including interest as it comes due according to its or their liability as determined by section 39.

How payable.

(6) The proportion of the moneys payable by the corporation of each of the municipalities shall be payable out of the taxable property of the public school supporters therein lying within the section.

Expenses of publishing by-laws.

(7) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such section.

Liability for loan where boundaries altered.

(8) Notwithstanding any alterations which may be made in the boundaries of a section the taxable property of the public school supporters situate therein at the time when such loan was effected shall continue to be liable for the rate which may be levied for the repayment of the loan. R.S.O. 1927, c. 323, s. 54.

Lands included in section by reason of alteration in boundaries to be subject to taxation.

(9) When upon alteration of boundaries of a school section lands are included therein which are taxable property of public school supporters, such lands shall be subject to taxation for school purposes, including debenture rates, of the school section to which they are attached in the same manner and to the same extent as all other taxable property of public school supporters in the school section; provided that if the lands so attached continue liable for debenture rates for the purposes of the school section from which they are detached, they shall during the continuance of such liability be subject only to taxation for school debenture rates in the school section to which they are attached, to the amount by which such last mentioned debenture rates exceed the amount of the debenture rates for which they have continued liable. 1936, c. 55, s. 29.

**56.**—(1) A rural school board may require the council to raise by one yearly rate such sums as may be necessary for the purchase or enlargement of a school site, or the erection of a schoolhouse, or an addition thereto, or a teacher's residence.

School property may be paid for by one special rate.

(2) A municipal council shall not levy or collect during any one year more than one school rate except for one or more of the purposes mentioned in subsection 1. R.S.O. 1927, c. 323, s. 55.

Council not to levy more than one rate except in certain cases.

**57.** A rural school board may, with the consent of the ratepayers first obtained at a special meeting called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario Municipalities Fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution for any or more of the following purposes: the purchase or enlargement of a school site, the erection of a schoolhouse, drill hall, gymnasium, or teacher's residence, or any addition to the same or any of them, and any sum so borrowed shall be applied only to the purpose for which it was borrowed. R.S.O. 1927, c. 323, s. 56.

School corporations may borrow surplus moneys.

#### RATES

**58.**—(1) The council of every local municipality shall levy and collect upon the taxable property of the public school supporters of the municipality, or of the sections in the case of rural schools, in the manner provided in this Act, and in *The Municipal Act*, and *The Assessment Act*, such sums as may be required by the board for school purposes, and shall pay the same to the treasurer of the board from time to time as may be required by the board on the warrant of the proper inspector. R.S.O. 1927, c. 323, s. 57 (1); 1930, c. 63, s. 6.

Councils to levy sums required by trustees.

Rev. Stat., cc. 266, 272.

(2) In the case of a union school section formed of parts of townships, the sums levied and collected from the ratepayers by township councils shall be levied and collected by the several councils out of the taxable property of the public school supporters of such union school section, each in the proportion which such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole union section.

Rates in union sections.

(3) Every municipal council shall annually account for all moneys collected for public school purposes, including any sum which has been collected in excess of the sums disbursed, on account of the public school or schools within such municipality or section, and shall pay over the same to the

And to account for same.

school board of the municipality or of the section. R.S.O. 1927, c. 323, s. 57 (2, 3).

Additional grants for school purposes.

**59.**—(1) In addition to any sums which the council of a municipality may be bound to levy and collect under any section of this Act, the council of any municipality may make grants as it may deem expedient for the purposes of public schools within the municipality, and may assess, levy and collect the sums required to pay the same by general rate upon all taxable property of public school supporters in the municipality.

Purposes for which aid may be granted.

(2) The purposes for which the rate mentioned in subsection 1 may be raised shall include, but shall not be limited to, the establishment and maintenance of school corporations, aiding new or weak schools, or continuation schools or fifth classes in the municipality, or the supplementing of teachers' salaries or retiring allowances. R.S.O. 1927, c. 323, s. 58.

Correction of errors in collection of rates in previous years.

**60.** Every municipal council shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be to the end that no property shall escape from or be compelled to pay more than its proper proportion of the rate. R.S.O. 1927, c. 323, s. 59.

Levying school rate where there is no public school in a municipality.

**61.**—(1) Where in any municipality situate in an organized county there are persons entered on the assessment roll as public school supporters and there is no public school to which public school rates levied by the council of the municipality can be applied, there shall be assessed, levied and collected annually upon the property of all persons assessed as public school supporters in such municipality, a rate equal to the average public school rate levied in the county for boards of public school trustees of villages, and of towns not separated from the county and of school sections, and the moneys so raised shall be set apart or invested by the council of the municipality in the manner provided by section 330 of *The Municipal Act*. R.S.O. 1927, c. 323, s. 60; 1931, c. 71, s. 4.

Rev. Stat., c. 266.

Rates in urban municipalities.

(2) In urban municipalities situate in unorganized territory where a like condition exists the rates to be so levied on public school supporters shall be equal to those levied in the nearest urban municipality. 1932, c. 42, s. 7 (1), *part*; 1934, c. 52, s. 6.

Rates in rural school sections.

(3) In rural school sections in townships situate in unorganized territory where a like condition exists the rates to be so levied on public school supporters shall be equal to the average rate levied on public school supporters in the other



rural school sections in the same township in which there is a public school, or if there be none then equal to the rate levied on public school supporters in the nearest rural school section outside the township in which there is a public school. 1932, c. 42, s. 7 (1), *part*.

#### RURAL SCHOOL SECTIONS

**62.**—(1) Where not already so subdivided the municipal council of every township shall subdivide the township into school sections so that every part of the township shall be included in some section, and shall distinguish each section by a number. School sections in townships.

(2) Where the land or property of any person is situate within the limits of two or more sections the parts so situate shall be assessed and returned upon the assessment roll separately according to the divisions of the school sections within the limits of which the same are situate. Assessors to value land situate in each section.

(3) No section shall be formed which contains less than fifty children between the ages of five and twenty-one years whose parents or guardians are residents of the proposed section unless such proposed section is more than four square miles in area, provided that a smaller area, although it contains a less number of such children, may be formed into a school section where, because of lakes or other physical conditions, a section convenient for school purposes containing an area of more than four square miles cannot be formed. Area of new school sections.

(4) Every township clerk shall prepare in triplicate a school map of the townships showing the divisions of the township into school sections and parts of union school sections, and shall furnish one copy to the county clerk, for the use of the county council, one to the county or district school inspector and retain the other in his office for the use of the township council, and shall furnish annually, on or before the 1st day of December, to the local inspector information in writing of the acreage, the assessed value, the rate for school purposes and the school population between the ages of five and twenty-one years of each section or part of a union section within the township. R.S.O. 1927, c. 323, s. 61. Township clerk to prepare maps of school sections.

#### RURAL SCHOOL TRUSTEES

**63.**—(1) The trustees of every rural school section shall be a corporation by the name of "The Public School Board of Section No.                      of the Township of                      in the County of                      " (*inserting the number of the section and the names of the township and county*). Trustees to be corporation.

Trustees—  
term of,  
office of.

(2) For every rural school section there shall be three trustees, each of whom, in rotation, shall, except as herein otherwise provided, hold office for three years and until his successor has been elected. R.S.O. 1927, c. 323, s. 62 (1, 2).

Trustees—  
qualifica-  
tion of.

(3) The persons qualified to be elected trustees shall be any person who is a British subject, of the full age of twenty-one years, not disqualified under this Act and who is,—

(a) a resident ratepayer whose taxes for school purposes are neither overdue nor unpaid; or

(b) the husband, wife, son or daughter of a person assessed as the owner of a farm if resident on the farm with the assessed owner, provided that all taxes for school purposes payable with respect to such farm are neither overdue nor unpaid;

and no person not so qualified shall be elected or competent to act as trustee. 1932, c. 42, s. 8; 1935, c. 64, s. 3.

"Farm"—  
meaning of.

(4) For the purposes of subsection 3, "farm" shall mean not less than twenty acres of land in the actual occupation of the owner thereof. R.S.O. 1927, c. 323, s. 62 (4).

Elections  
in new  
sections.

**64.**—(1) At the first election in every new section the first trustee elected shall hold office for three years, the second for two years, and the third for one year, or in case of a poll being taken the trustee receiving the highest number of votes shall hold office for three years, the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

Casting  
vote.

(2) Where two or more trustees have received an equal number of votes the chairman shall give a casting vote or votes.

When first  
year to be  
deemed to  
commence  
and end.

(3) The first year in each case shall be deemed to commence at the date of such first election and extend till the date fixed by this Act for holding the second annual meeting of ratepayers thereafter. R.S.O. 1927, c. 323, s. 63.

Corporation  
not to cease  
by want of  
trustees.

**65.** A school corporation shall not cease to exist by reason of the want of trustees, but if there are no trustees, any two electors of the section, or the inspector, by giving six days' notice, to be posted up in at least three of the most public places of the section, may call a meeting of the electors, who shall elect three trustees in the manner prescribed by this Act. R.S.O. 1927, c. 323, s. 64.

**66.**—(1) Where the electors of a section for two years neglect or refuse to elect trustees, the council of the township may appoint trustees for the section, one for three years, one for two years, and the third for one year, to be reckoned from the date upon which the last election should have been had by the electors, and may fill the vacancies on the board so long as the electors neglect to do so.

Council may appoint trustees when no election.

(2) Instead of appointing trustees the council may, by by-law, declare the section dissolved and attach the same, in such proportions as they may deem expedient, to adjoining sections, and the assets of the section shall be disposed of as may be determined by the judge of the county or district court of the county or district in which the school is situate, the inspector, and one other person to be named by them, whose direction or the direction of a majority of them as to the disposition of the assets shall be carried out by the council.

Dissolution of school section on non-election of trustees.

Disposal of assets at dissolution of section.

R.S.O. 1927, c. 323, s. 65.

#### MEETINGS OF SCHOOL ELECTORS

**67.**—(1) A meeting of the electors of every section for the purpose (among other things) of electing trustees shall be held annually on the last Wednesday in December, or if that day is a holiday, on the next day following, commencing at the hour of ten o'clock in the forenoon, or if the board by resolution so directs, at the hour of one o'clock or eight o'clock in the afternoon, at such place as the board shall by resolution determine, or in the absence of such resolution, at the schoolhouse of the section. R.S.O. 1927, c. 323, s. 66 (1); 1936, c. 55, s. 30 (1).

Annual meeting—when held.

(2) Where the annual meeting of electors of a rural section cannot conveniently be held as provided for in subsection 1, the electors at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, and upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter, unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved. 1936, c. 55, s. 30 (2).

Annual meeting in rural section.

(3) Where a new section is formed the clerk shall fix the place for the first meeting and shall call the same for the fourth Wednesday after the time for appealing against the by-law forming the section has expired, or after the final disposition of the appeal, if any, by causing notices to be posted up in three of the most public places in the new section at

Proceedings on formation of new school section.

least six clear days before the date when the meeting is to be held.

Time and  
conduct of  
meeting.

(4) The meeting shall be held at the same hour and conducted in the same manner as the annual meeting in organized sections.

Procedure  
after elec-  
tion of  
trustees in  
new section.

(5) At any time after the election of trustees in a new school section proceedings may be taken under the provisions of this Act to raise money for and acquire a school site, erect school buildings and provide school equipment.

Meeting to  
be called in  
default of  
first or  
annual  
meeting.

(6) When any school meeting has not been held at the proper time the inspector, or any two electors in the section, may call a meeting of the electors by giving six clear days' notice, to be posted up in at least three of the most public places in the school section, and the meeting so called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Organiza-  
tion of  
meeting.

(7) The electors present at a school meeting shall elect one of their number as chairman, and shall also appoint a secretary who shall record the minutes of the meeting and perform such other duties as are required of him by this Act.

Chairman—  
duties of.

(8) The chairman shall submit all motions to the meeting in the manner desired by the majority and shall be entitled to vote on any motion, and in case of a tie the motion shall be declared to be negatived, and he shall decide all questions of order, subject to an appeal to the meeting.

Order of  
business.

(9) The business of every school meeting may be conducted in the following order,—

- (a) receiving the annual report of the trustees and disposing of the same;
- (b) receiving the annual report of the auditor and disposing of the same;
- (c) electing an auditor for the ensuing year;
- (d) miscellaneous business;
- (e) instructing the trustees by resolution, if deemed expedient, to insure the school buildings and furniture;
- (f) the election of trustees.

Special  
meeting—  
when to be  
held.

(10) Where a special meeting of the electors of a school section is called, the meeting shall be held at the hour of ten o'clock in the forenoon, or, if the board by resolution so directs, at the hour of one o'clock in the afternoon or eight o'clock in the afternoon, at such place as the board shall by



resolution determine, or, in the absence of such resolution, at the school house of the section. R.S.O. 1927, c. 323, s. 66 (2-9).

VOTING ON ELECTIONS OR SCHOOL QUESTIONS  
IN A RURAL SECTION

**68.**—(1) Every person who is a ratepayer in a rural school section, and every other person who is qualified to vote at municipal elections and who resides in the rural section and is not a supporter of separate schools, shall be entitled to vote at an election of trustees in the section and on every question submitted to a school meeting except a question involving expenditure of money on capital account. Qualification of voters.

(2) On a question involving the expenditure of money on capital account only such persons as are ratepayers in the school section shall be entitled to vote. When only ratepayers to vote.

(3) A person who is not a British subject, or who is a citizen or subject of any foreign country shall not be entitled to vote at an election of school trustees in a rural school section or upon any school question. R.S.O. 1927, c. 323, s. 67. Persons not British subjects excluded.

**69.**—(1) A poll may be demanded by any two electors at a meeting for the election of trustees or for the settlement of any school question in a rural section, and such poll shall be granted by the chairman forthwith if demanded within ten minutes after the result of a vote has been declared by the chairman. Granting poll.

(2) Where a poll is granted for the election of a trustee, the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded, and shall write therein the names and residences of the electors offering to vote within the time prescribed by this Act, and shall, in the column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name. Proceeding in case of a poll.

(3) Where a poll is granted on any school question the secretary shall prepare a poll-book with two separate columns marked, respectively, "for" and "against", and shall write therein the name and residence of each person voting on the question; and shall record his vote by setting the figure "1" opposite his name in the proper column so as to show how he votes on the question. Poll-book.

(4) If objection is made to the right of any person to vote, the chairman, if the name of such person appears on the assessment roll or on Part I or Part II of the Voters' List, When voter is objected to.

shall require such person, where he votes as a ratepayer, to make the following declaration,—

Declaration  
by voter.

(1) I, *A.B.*, declare and affirm that I am an assessed ratepayer, in school section No.—;

(2) That I am of the full age of twenty-one years;

(3) That I am a natural born (*or* naturalized) subject of His Majesty; and am not a citizen or subject of any foreign country;

(4) That I am a supporter of the public school in said school section No.—;

(5) That I have a right to vote at this election;

or shall require such person, where he votes as an elector, who is not a ratepayer, to make the following declaration,—

(1) I, *A.B.*, declare and affirm that I am entered on the assessment roll (*or* voters' list) of this municipality as entitled to vote at municipal elections;

(2) That I am of the full age of twenty-one years;

(3) That I am a natural born (*or* naturalized) subject of His Majesty, and am not a citizen or subject of any foreign country;

(4) That I am not a supporter of any separate school;

(5) That I have been a resident of this school section for the six months last past;

(6) That I have a right to vote at this election.

After making such declaration the person making it shall be entitled to vote.

When poll  
shall close.

(5) The poll shall not close before noon, but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than four o'clock in the afternoon.

Polling at  
evening  
meeting.

(6) When the meeting is held in the evening the electors may decide, by resolution, that the poll shall be conducted forthwith or at ten o'clock on the following morning, and, if conducted in the evening, the poll shall close after ten minutes has elapsed without any vote being recorded.

Counting  
votes—  
casting  
vote.

(7) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and if there is a tie the chairman shall give a second or casting vote.

Declaration  
of result.

(8) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the same adopted or negated as the majority of votes is in favour of or against the same.

(9) A correct copy of the minutes of every school meeting and a copy of the poll-book, where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector. Copy of minutes and of poll-book for inspector.

(10) The secretary of every school meeting at which any person is elected as trustee shall forthwith notify him in writing of his election, and of the name and address of the chairman of the meeting, and every person so notified shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the date of election. R.S.O. 1927, c. 323, s. 68 (1-10). Acceptance of office by trustees.

(11) Where complaint is made to the inspector by an elector that the proceedings for the election of a trustee, or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act, the inspector shall investigate the complaint and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting, and it shall not be incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with the provisions of this Act if he is satisfied that the result of such election or proceeding has not been affected thereby. R.S.O. 1927, c. 323, s. 68 (11); 1936, c. 55, s. 31. Complaints as to elections.

(12) The clerk of the municipality shall supply a list of the persons qualified to vote when required by the board or when required by the inspector in the case of an investigation with regard to the election of a trustee or the proceedings of a school meeting. R.S.O. 1927, c. 323, s. 68 (12). Clerk to supply list of school voters.

#### URBAN SCHOOL BOARDS

**70.**—(1) Every board in urban municipalities shall be a corporation by the name of "The Board to be a corporation. Public School Board," prefixing to the words "Public School Board" the name of the municipality for which the board is elected. R.S.O. 1927, c. 323, s. 69 (1).

(2) Any ratepayer in an urban municipality who is a British subject, and who resides in the municipality, or in the case of a city or town, within one mile from the boundaries of the municipality, and who is of the full age of twenty-one years and Who may be elected trustees.

not disqualified, may be elected a public school trustee and every trustee, except as otherwise herein provided, shall continue in office until his successor has been elected, and a new board organized, but no person who is not a British subject shall be elected or competent to act as trustee.

(a) The husband or wife of a person assessed as actual owner or tenant of land in the municipality for an amount sufficient to entitle him or her to vote at municipal elections shall be deemed a ratepayer within the meaning of this subsection, but shall not be eligible for election or to sit or vote as a member of the board while his or her wife or husband is a member of the board. R.S.O. 1927, c. 323, s. 69 (2).

(b) A person shall not be eligible to be elected as a trustee or to sit or vote as a member of the board if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which such person qualifies, are overdue or unpaid at the time of the nomination; provided that the provisions of this clause shall not apply where such person is a tenant of such property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property. 1936, c. 55, s. 33.

First election of trustees.

**71.**—(1) Where an unincorporated village becomes incorporated or a village or town changes its corporate status, or a portion of a township or portions of two or more townships is or are incorporated as a town, the board having jurisdiction over the school property situate within such village or town before its incorporation or before the change of its corporate status shall exercise all the powers conferred by this Act upon the board of an urban municipality until a new election of trustees is held.

First meeting in newly incorporated village.

(2) Where an unincorporated village becomes incorporated, the board shall call a meeting of the electors within one month after the date of the incorporation for the election of a new board.

Procedure for calling meeting.

(3) In calling the meeting, the provisions of section 76 shall be complied with so far as the same are applicable. R.S.O. 1927, c. 323, s. 70.

(NOTE.—*As to elections in a union school section, including an urban municipality and a portion of a township, see section 37.*)



*Municipalities Divided Into Wards*

**72.**—(1) For every ward into which an urban municipality is divided there shall be two trustees, each of whom shall, except as otherwise provided in this Act, continue in office for two years and until his successor has been elected and the new board organized.

Trustees  
in city, etc.,  
divided into  
wards.

(2) After the first election of trustees in any ward, or when from any cause the two trustees in any ward are elected simultaneously, one of them, to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall hold office for one year and the other for two years, and after such first or simultaneous election one trustee shall be elected annually for each ward. R.S.O. 1927, c. 323, s. 71.

Retirement  
by rotation.

**73.**—(1) The municipal council of a city having a population of over 100,000 and in which there is a board of public school trustees, may submit to the electors assessed as public school supporters in the municipality in the manner provided by *The Municipal Act*, a question in the following form, namely:

Election of  
public  
school  
trustees by  
general  
vote.

Rev. Stat.,  
c. 266.

Are you in favour of the election of members  
of the public school board by general YES  
vote of the electors of the city instead  
of by wards? NO

and if the majority of the votes on the said question are in the affirmative, at the first annual election held thereafter nine trustees shall be elected and the three of them who receive the highest number of votes shall hold office for three years, the three of them who receive the next highest number of votes shall hold office for two years, and the remaining three of them shall hold office for one year, each of them, however, holding office until his successor is elected and takes office.

(a) Upon the organization of the board first elected after an affirmative vote, the term of office of all trustees elected prior to the last election shall, notwithstanding anything to the contrary in this Act, expire. R.S.O. 1927, c. 323, s. 72 (1); 1932, c. 42, s. 9 (1).

(2) After such first election, three trustees shall be elected annually by vote of the electors of the whole municipality, and such trustee shall hold office until his successor has been elected. R.S.O. 1927, c. 323, s. 72 (2).

Annual  
election.

Election by  
ballot.

(3) Every election of trustees by general vote provided for in subsections 1 and 2 shall be by ballot and the provisions of subsections 4 and 5 of section 77 shall apply thereto.

Tenure of  
office.

(4) If at the first election of trustees by general vote at the nomination meeting no more candidates are nominated for office than the nine who are to be elected and those nominated are declared to be duly elected, the three of them who have the highest rateable assessments shall hold office for three years, the three of them who have the next highest rateable assessments shall hold office for two years, and the remaining three of them shall hold office for one year, each of them, however, holding office until his successor is elected and takes office, and the amount of the rateable assessment of each of them shall be ascertained from the last revised assessment roll of the municipality.

Procedure  
on tie vote.

(5) If at the first election of trustees by general vote under this section the third and fourth or the sixth and seventh of them in order of highest number of votes received an equal number of votes that one of the third and fourth, or the sixth and seventh, respectively, who has the highest rateable assessment according to the last revised assessment roll of the municipality shall hold office for three years or two years, as the case may be, and until his successor is elected and takes office. 1932, c. 42, s. 9 (2).

Election of  
public  
school  
trustees by  
wards.

(6) After such question has been submitted and carried in the affirmative, the system of election provided for in subsections 1 and 2 shall remain in force for three years succeeding the year in which the vote was taken, but the council may thereafter submit to the electors assessed as public school supporters the following question, namely:

Are you in favour of electing public school trustees by wards instead of by general vote? Yes  
No

and if a majority of the persons voting on the said question vote in the affirmative, then in the year next following that in which the vote is taken and for three years thereafter trustees shall be elected by wards in the manner provided by section 72. R.S.O. 1927, c. 323, s. 72 (3).

#### *Municipalities Not Divided Into Wards*

Trustees  
in villages  
not divided  
into wards.

**74.**—(1) The board of a town or village not divided into wards shall consist of six trustees, each of whom, except as otherwise provided in this Act, shall continue in office for two years and until his successor has been elected and the new board organized.

(2) After the first election, three of the board to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall hold office for one year, and the other three for two years, and after the first election three trustees shall be elected annually. R.S.O. 1927, c. 323, s. 73.

Retirement  
by rotation.

#### ELECTION OF TRUSTEES IN URBAN MUNICIPALITIES

**75.** Every person named in the last revised voters' list as being entitled to vote at municipal elections shall be entitled to vote at the election of school trustees in urban municipalities, excepting persons who are assessed as supporters of separate schools and persons who are entered on such voters' list by reason of being the wife or husband of a person assessed as a supporter of separate schools. 1930, c. 63, s. 7.

Who may  
vote at  
urban  
school  
elections.

**76.**—(1) Subject to the provisions of section 74, elections of public school trustees in urban municipalities shall be held in the manner following:—

Provisions  
for elections  
of trustees.

(a) a meeting of the electors for the nomination of candidates shall take place at noon on the last Wednesday in the month of December, annually, at such place as shall be fixed by resolution of the board, and in municipalities divided into wards in each ward thereof if the board so directs;

Nomina-  
tions.

(b) the board shall, by resolution, before the second Wednesday in December in each year, name the returning officers to preside at the meetings for the nomination of candidates and also for holding the election in case of a poll and in case of the absence of such officer a chairman chosen by the meeting shall preside, and the board shall give at least six days' notice of such meeting;

Returning  
officer.

(c) if at such meeting only the necessary number of candidates are proposed and seconded the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected and shall so notify the secretary; but if more candidates are nominated than are required to be elected the returning officer or chairman shall adjourn the proceedings until the first Wednesday in January then next, when a poll or polls shall be opened at such place or places and in each ward, where the municipality is divided into wards, as shall be determined by resolution of the board;

Proceed-  
ings at  
nomina-  
tions.

Hours of  
polling.

(d) the polls shall be opened at the hour of ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon and no longer, but any poll may be closed at any time after eleven o'clock in the forenoon when a full hour elapses without a vote having been polled;

Furnishing  
voters' list  
in cities  
and towns  
divided  
into wards.

(c) in urban municipalities and where township boards exist, the clerk of the municipality shall furnish to the board, within three days after request in writing, "The Voters' List" of the municipality, together with a supplementary list, either printed or in writing, of the names of persons who are assessed as supporters of separate schools;

For each  
polling  
place.

(f) the board shall provide each polling place with such lists and a poll-book, and the returning officer or deputy returning officers or the poll clerk shall enter in such book, in separate columns, the names of the candidates nominated, and shall write the names and residences of the electors offering to vote at the election, and shall in each column in which is entered the name of a candidate voted for by a voter set the figure "1" opposite the voter's name;

Entries in  
poll book.

Oath to be  
adminis-  
tered when  
voter ob-  
jected to.

(g) when an objection is made to the right of a person to vote, the returning officer or deputy returning officer shall require such person to make the following oath,—

Form of  
oath.

You swear (*or solemnly affirm*) that you are the person named (*or intended to be named*) in the list of voters now shown to you (*showing the list to voter*);

That you are of the full age of twenty-one years;

That you are a public school supporter [*or in the case of an elector who is not assessed as a ratepayer: That you are a resident of this municipality and are not a supporter of separate schools*];

That you are a natural born or naturalized subject of His Majesty, and that you are not a citizen or subject of any foreign country;

That you have not before voted for school trustee at this election, at this or any other polling place in this ward (*or in this municipality, where the municipality is not divided into wards*) for school trustee;

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God.



and after making such oath the person making it shall be entitled to vote;

- (h) the returning officer or deputy returning officer shall, on the day after the close of the election, return the poll-book to the secretary with his solemn declaration thereto annexed that the poll-book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer or deputy returning officer; Duty of returning officer after close of election.
- (i) the secretary shall add up the number of votes for each candidate as appears from the poll-book so returned, and shall declare elected the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them; Duty of secretary.
- (j) when the result of the polling is indecisive by reason of two or more candidates having an equal number of votes, all of such candidates shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election. Casting vote.

(2) Where trustees are elected by wards in the case of a town divided into wards, or in the cases provided for in subsection 4 of section 78, and the election of trustees is not by ballot, it shall be conducted as nearly as may be in accordance with the provisions of subsection 1. R.S.O. 1927, c. 323, s. 75. Open voting where election by wards.

#### ELECTION BY BALLOT

**77.**—(1) The board of an urban municipality or a township board may, by resolution of which written notice shall be given to the clerk of the municipality on or before the 1st day of October in any year, require the election of school trustees for such urban municipality or township to be held by ballot on the same day as municipal councillors or aldermen are elected, as the case may be. Elections of trustees on same day as municipal elections.

(2) Any such board may in like manner discontinue the use of the ballot on giving written notice to the clerk to that effect at the time hereinbefore mentioned, and thereafter the elections shall be conducted as provided in section 76. Trustees may discontinue use of ballot at elections.

Ballot not to be discontinued or resumed for three years after the change.

(3) Where any such board requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time then the provisions of section 76 shall apply for a period of three years at least after such discontinuance.

Mode of conducting elections by ballot.

(4) Where notice is given requiring the election to be held by ballot, such election shall thereafter be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding the election, including the mode of receiving nominations for office, and the resignation of persons nominated, vacancies, and declarations of qualification and office, shall *mutatis mutandis* apply to the election. R.S.O. 1927, c 323, s. 76 (1-4).

Rev. Stat., c. 266.

Who entitled to vote at elections of school trustees in urban municipalities.

(5) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions, containing the names of the candidates in the same form *mutatis mutandis* as those used for councillors or aldermen, and no ballot shall be delivered to any person who is entered on the list of voters as a separate school supporter or by reason of being the wife or husband of a separate school supporter. 1931, c. 71, s. 5.

Election of trustees where wards abolished.

**78.**—(1) In towns divided into wards, the board, by resolution, may limit the number of trustees to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect, and such limitation shall not come into operation until the close of the current school year.

By vote of electors of whole municipality.

(2) When such resolution has been adopted, the election shall thereafter be by vote of the electors of the whole municipality.

Retirement of trustees by rotation.

(3) The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual election and thereafter three trustees shall be elected annually by the ratepayers of the whole municipality to fill the place of the same number retiring by rotation.

Filling vacancies.

Election of trustees by wards in certain cities and towns.

(4) In a city having a population of 20,000 or over, and until a resolution has been passed under subsection 1, in a city having a population of less than 20,000, and in a town, the

trustees shall continue to be elected by wards notwithstanding that aldermen and members of the council are elected by general vote and not by wards.

(5) Where the trustees are elected by ballot, the election shall be conducted as nearly as may be in the manner provided in section 77, and the officers for holding such election shall be appointed by the municipal council as if the election of aldermen or councillors by general vote had not been adopted for such city or town. R.S.O. 1927, c. 323, s. 77. Vote by ballot.

(NOTE.—*As to elections in a union school section, including an urban municipality and a portion of a township, see section 37).*

#### VACANCIES ON BOARD.

**79.**—(1) Where the office of trustee of a rural school section becomes vacant from any cause, the remaining trustees shall forthwith hold a new election to fill such vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected. R.S.O. 1927, c. 323, s. 78 (1); 1933, c. 58, s. 8 (1); 1935, c. 64, s. 3 (3). Vacancy in office of trustee.

(2) Subject to the provisions of subsection 3, where the office of a trustee of an urban school board becomes vacant from any cause, a majority of the remaining trustees present shall at the first regular meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy, and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of such meeting shall have a second or casting vote. 1933, c. 58, s. 8 (2). Vacancy in urban board.

(3) In the case of an urban school board, any vacancy which occurs within one month of the time for the next ensuing annual election shall not be filled in the manner provided by subsection 2, but the office shall remain vacant until the annual election, and if the term of the vacant office then expires a new trustee shall be elected, or if the term of the vacant office does not then expire, some duly qualified person shall be elected at such annual election to fill the vacancy for the unexpired term of office for which his predecessor was elected. 1933, c. 58, s. 8 (3). Vacancy within one month of annual election.

(4) Where the inspector reports that no persons duly qualified are available, the Minister may appoint as members of the board such persons as he may deem proper, and the persons so appointed shall have all the authority of a board as though they were eligible and duly elected according to the provisions of this Act. R.S.O. 1927, c. 323, s. 78 (3). Appointment of trustees on failure of qualified persons.

## CONTROVERTED ELECTIONS

Investi-  
gation of  
complaints  
by judge.

**80.**—(1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a township board has been established shall be made to the judge of the county or district court within twenty days after such election, and he shall, within a reasonable time, in a summary manner hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll-books and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit, and may cause such persons as he may deem expedient to appear before him and give evidence.

Powers of  
judge.

(2) The judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed, and if the judge determines that any other person was duly elected he may order such person to be admitted, and if the judge determines that no person was duly elected he shall order a new election to be held, and he shall in all cases report his decision to the secretary of the board. R.S.O. 1927, c. 323, s. 79.

Bribery  
and undue  
influence.

Rev. Stat.,  
c. 266.

**81.** In the case of an election of trustees in an urban municipality or in a township for which a township board has been established, the provisions of *The Municipal Act* as to bribery and undue influence shall apply, and in every case in which an election is complained of on those grounds the inquiry by the judge in reference thereto shall be by oral testimony only. R.S.O. 1927, c. 323, s. 80.

## RESIGNATIONS

Trustees  
may resign.

**82.**—(1) A trustee of a rural section may resign by giving notice in writing to each of the other trustees.

Re-election  
of any  
trustee  
lawful.

(2) Where, after the resignation of a rural school trustee he has continued to act for three months without his right to do so having been called in question by proceedings to vacate his seat or for the holding of a new election, he shall be deemed to have continued to be a trustee, notwithstanding his resignation, and shall hold office for the residue of the term for which he was elected.

Urban  
trustee may  
resign.

(3) A member of an urban board may resign by giving written notice of his resignation to the secretary.



(4) A retiring trustee shall be exempted from serving for four years next after leaving office, but he may, with his own consent, be re-elected. R.S.O. 1927, c. 323, s. 81.

Trustees  
resigning  
but con-  
tinuing to  
act.

## MEETINGS OF BOARDS

**83.**—(1) Unless a date for the first meeting has been decided upon by the board of the preceding year, every urban board shall hold its first meeting in each year on the third Wednesday in January at the hour of seven o'clock in the evening, or at such other hour on the same day and at such place as may have been fixed by resolution of the former board, or, if no place has been so fixed, at the usual place of meeting of the council of the municipality. R.S.O. 1927, c. 323, s. 82 (1); 1932, c. 42, s. 10.

First  
meeting  
of board.

(2) The secretary shall preside at the election of chairman, or if there is no secretary or in his absence, the members present shall choose one of themselves to preside at such election, and the member so chosen may vote as a member.

Chairman.

(3) In case of an equality of votes at the election of chairman, the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

Casting  
vote.

(4) The presence of a majority of the members constituting a board shall be a quorum at any meeting, and a vote of the majority of such quorum shall be necessary to bind the corporation.

Quorum.

(5) On every question other than the election of a chairman, the chairman or presiding officer of the board may vote with the other members of the board, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1927, c. 323, s. 82 (2-5).

Equality  
of votes.

**84.**—(1) Subject to the provisions of subsection 13 of section 15 and of subsection 6 of section 67, every rural school board shall hold its first meeting in each year at the schoolhouse of the section not later than the Wednesday following the annual meeting at the hour of four o'clock in the afternoon, and shall be organized by the election of a chairman, a secretary and a treasurer or a secretary-treasurer. R.S.O. 1927, c. 323, s. 83 (1); 1932, c. 42, s. 11; 1933, c. 58, s. 9.

Organiza-  
tion of  
board at  
first  
meeting.

(2) Subsequent meetings shall be held at such time and place as the board may deem expedient.

Subsequent  
meetings.

**Quorum.**

(3) The presence of a majority of the members constituting a board shall be necessary to form a quorum. R.S.O. 1927, c. 323, s. 83 (2, 3).

**Regularity of proceedings.**

**85.**—(1) No act or proceeding of a rural school board which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding. R.S.O. 1927, c. 323, s. 84.

**In case of delay inspector may call first meeting.**

(2) If for any reason an urban board has not held its first meeting as provided by subsection 1 of section 83, or a rural board has not held its first meeting as provided by subsection 1 of section 84, the inspector may at any time call the first meeting of the board for such day, at such hour and at such place as he may determine. 1935, c. 64, s. 3 (4).

**NON-RESIDENT PUPILS****Admission of non-resident pupils.**

**86.**—(1) The board shall admit to the school any non-resident pupil if the inspector reports that the accomodation is sufficient for the admission of such pupil and that the school is more accessible for him than the school in the section or urban municipality in which the pupil resides. 1931, c. 71, s. 6, *part*.

**Fees of non-resident pupils.**

(2) The parent or guardian of such non-resident pupil shall pay such fees monthly as may be prescribed by the board, but such fees paid by the parent or guardian to such school shall not exceed the average cost per pupil of the maintenance of the school for the next preceding calendar year. R.S.O. 1927, c. 323, s. 85 (2); 1936, c. 55, s. 34 (1).

**Average cost per pupil—how computed.**

(3) For the purposes of subsection 2 in computing the average cost per pupil all legislative, county and municipal grants of the preceding year shall be deducted from the gross cost of maintaining the school during such year, and the net remaining sum shall be divided by the aggregate pupil-day attendance of all pupils for the year to ascertain the net pupil-day cost to the section or urban municipality for such year and the fee payable by a parent or guardian of a non-resident pupil shall not exceed the net pupil-day cost so ascertained, multiplied by the number of days attended by the non-resident pupil as shown in the daily register of the school. 1936, c. 55, s. 34 (2).

**Resident of one section sending his children to another section.**

(4) The parent or guardian shall be liable for the payment of all rates assessed on his taxable property for the purposes of the section or urban municipality in which he resides, but the board of that section or urban municipality shall remit to the parent or guardian any rates so payable to the extent

of the amount of the fees so paid to the board of the neighbouring school.

(5) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents, the children of such non-resident shall be admitted to the public school of the section or urban municipality on the same terms and conditions as the children of residents.

Attendance of children of non-residents.

(6) Where the children attending a neighbouring school reside three miles or more by the nearest public road from the schoolhouse in the section or urban municipality to which they belong, the board of the section or urban municipality in which such children reside shall remit so much of the taxes payable by the parents or guardians of such children for school purposes as equals the fees paid to the board of the neighbouring school. 1931, c. 71, s. 6, *part*.

Remission of school tax where certain fees paid.

(7) A person of school age maintained in a county house of refuge or a children's shelter shall be deemed to be a non-resident, and the county council shall pay to the board of the school attended by such person such monthly fees as may be agreed upon, or at least the average cost per pupil of the maintenance of the school. R.S.O. 1927, c. 323, s. 85 (6).

Pupils in house of refuge.

**87.**—(1) Where in any rural school section there are for two consecutive years less than eight persons between the ages of five and fourteen years residing therein, the Minister may direct that the public school of such section shall no longer remain open, and the same shall thereupon be closed until the Minister otherwise directs. 1933, c. 58, s. 10 (1).

When school may be closed.

(2) The board of a rural section may provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the Minister and of the board of such urban municipality or school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of sections 111 and 112. R.S.O. 1927, c. 323, s. 86 (1); 1933, c. 58, s. 10 (2).

Providing for admission of pupils from rural school section to urban or Indian schools.

(3) The first mentioned board may levy and collect upon the taxable property of the section such sums as may be necessary to pay the fees of pupils attending the schools of such urban municipality or school section and to pay for the conveyance of the pupils to and from such schools, and also

Payment of fees and expenses of conveying pupils to and from school.

such other sums as they may deem expedient or as may be required by this Act. R.S.O. 1927, c. 323, s. 86 (2); 1933, c. 58, s. 10 (3).

Expenses payable by township.

(4) The township council shall pay to the board of such rural section their actual disbursements for the maintenance of their pupils at and their transportation to and from the school which they attend, not exceeding the minimum sum required by subsection 1 of section 111 and subsections 1 and 2 of section 112, to be levied, collected and applied to teachers' salaries. R.S.O. 1927, c. 323, s. 86 (3); 1933, c. 58, s. 10 (3).

Share of grants.

(5) The board shall also be entitled to receive such share of the legislative and county grants as may be determined by the Minister in case the amount received from the township council is not sufficient to cover such actual disbursements. R.S.O. 1927, c. 323, s. 86 (4); 1933, c. 58, s. 10 (3).

Agreements between boards as to school accommodation.

**88.**—(1) The board of education or board of public school trustees in an urban municipality may agree with the board of public school trustees of an urban municipality or school section or township school area adjacent to the boundaries of such first mentioned urban municipality for the erection by either or any of the boards of a school or schools in such adjacent urban municipality, school section or township school area, or in such first mentioned municipality, for the joint accommodation of pupils from such adjacent urban municipality, school section or township school area, and from such first mentioned urban municipality or from any designated area thereof contiguous to such township municipality, school section or township school area, or for the joint use of a school or schools in any such school section or municipality by pupils from such first mentioned urban municipality and from such adjacent urban municipality, school section or township school area or such designated area.

Equalization of assessment.

(2) Where any such agreement heretofore or hereafter made provides that a part of the annual expenditure for maintenance and for the payment of the debenture debt shall be borne by each board, the assessment shall be equalized annually by a board of arbitrators, one of whom shall be appointed by each of the boards interested, and in the case of the number so appointed being an even number the judge of the county or district court shall be a member of the board and the chairman thereof.

Terms of agreement.

(3) The agreement shall fix the accommodation to be provided, and where the schools are to be erected, provide for the erection thereof and the class of buildings to be erected, and shall also fix the proportion of the cost of providing such



accommodation or of erecting and maintaining the school to be contributed by the urban municipality, the school section and the township school area, respectively.

(4) Each of the boards shall include in its annual estimates an amount sufficient to pay its proportion of such cost, and the same shall be levied, collected and paid over by the corporation of the urban municipality and the corporation of the township as part of the rate levied for public school purposes in the urban municipality or in the school section or township school area.

Raising  
proportion  
of cost.

(5) The agreement shall not be binding nor shall it be acted upon until it has received the approval in writing of the Minister.

Agreement  
to be  
approved by  
Minister.

(6) The Minister may make regulations in the manner provided by *The Department of Education Act* for the apportionment of the legislative and municipal grants in the case of schools to which this section applies, and may fix the proportion which shall be paid on account of any such schools out of the legislative grants for rural and urban schools, respectively, and the proportion of the municipal grant to rural schools which shall be paid on account of such school. R.S.O. 1927, c. 323, s. 87.

Regula-  
tions.  
Rev. Stat.,  
c. 356.

#### DUTIES OF TRUSTEES

**89.** It shall be the duty of the boards of all public schools to see that the same are conducted according to this Act and the regulations, and they shall have power,—

Duties of  
board.

(a) to appoint a secretary and a treasurer or a secretary-treasurer, who may be a member of the board, and to appoint such committees, officers and servants as may be deemed expedient; R.S.O. 1927, c. 323, s. 88 (a); 1933, c. 58, s. 11 (1).

Appoint-  
ment of  
officers.

(b) to fix the time and place of meetings of the board, the mode of calling and conducting them, and of keeping a correct account of the proceeding of such meetings, and to transmit to the Minister all returns and reports required by the regulations;

To fix  
meetings of  
the board.

(c) in the case of a rural school board at the first meeting of the board, to examine the schoolhouse, out-buildings and school furniture, maps and apparatus, with a view to ascertaining what repairs or improvements may be necessary, and to make suitable provision for lighting fires and keeping the schoolhouse and

Inspection  
of school  
property at  
first meet-  
ing of  
board.

premises in a cleanly and sanitary condition by appointing some person for that purpose; R.S.O. 1927, c. 323, s. 88 (b, c).

To provide  
accom-  
modation.

- (d) to provide adequate accommodation for all children between the ages of five and sixteen years, resident in the municipality, and in the case of rural schools for two-thirds of such children resident in the section, as ascertained in both cases by the school census taken by the assessor in the next preceding year, and in computing such residents the children of persons on whose behalf a separate school has been established under *The Separate Schools Act* shall not be included; provided that where the accommodation is not more than sufficient for all children over six years of age or where the general progress of the school or grade may be prejudicially affected, the inspector may in either case authorize the board to refuse to admit any pupil who is not more than six years of age at any time other than at the commencement of the school year in September; R.S.O. 1927, c. 323, s. 88 (d); 1934, c. 52, s. 7.

To provide  
and main-  
tain school  
premises.

- (e) to acquire or rent school sites and premises, and to build, repair, furnish, and keep in order the school-houses, furniture, fences and all other school property, and to keep the wells, closets and premises in a proper sanitary condition;

To procure  
books and  
appliances.

- (f) to procure registers, maps, globes, apparatus and, if deemed expedient, prize books, and to establish and maintain school libraries;

To deter-  
mine num-  
ber and  
kind of  
schools, etc.

- (g) to determine the number, grade, territorial boundaries and description of schools to be opened and maintained; the teachers to be employed; the terms on which they are to be employed and their remuneration and rank, whether principals or assistants;

To keep  
school open  
and estab-  
lish classes,  
etc.

- (h) to keep open each school during the whole period of the school year, except where it is otherwise provided by this Act, and, if deemed expedient, to establish kindergartens and classes for industrial training and instruction in household science, and establish school gardens and summer or vocational schools;

Rural  
school—  
reporting  
deaf, dumb  
and blind.

- (i) in the case of a rural school board, to ascertain and report to the Minister at least once in each year the names and ages of all children of school age who are blind or who are deaf and dumb and who would

otherwise be required to attend the school under their charge; R.S.O. 1927, c. 323, s. 88 (*e-i*).

- (*j*) to provide and pay for such medical and dental inspection of pupils as the regulations may prescribe, but only where provision for such medical and dental inspection was inaugurated by the board prior to the 31st day of July, 1924; 1933, c. 58, s. 11 (2). Dental and medical inspection.
- (*k*) to enter into an agreement with the local board of health of the municipality to provide medical and dental inspection of pupils as authorized by *The Public Health Act* as the board may deem proper; 1933, c. 58, s. 11 (3). Agreement for medical and dental inspection. Rev. Stat., c. 299.
- (*l*) to expel from the school a pupil who is adjudged by the board and the teacher to be so refractory that his presence in school is injurious to the other pupils; Dismissal of refractory pupils.
- (*m*) if deemed expedient to purchase for the use of pupils text-books and other school supplies, and either to furnish the same to the pupils free of charge or to collect for the use thereof from their parents or guardians a sum not exceeding twenty cents per month per pupil to defray the cost thereof; Books and school supplies.
- (*n*) if deemed expedient, to exempt any indigent person from the payment of school rates, in whole or in part, and to notify the clerk of the municipality of such exemption on or before the 1st day of August, and, where deemed necessary, to provide for the children of such person text-books and other school supplies at the expense of the board; R.S.O. 1927, c. 323, s. 88 (*l-n*). Exemption of indigent persons from school rates.
- (*o*) to provide and pay, in the case of urban schools, salaries of inspectors, teachers, instructors and other officers and employees of the board, repairs to buildings, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of trustees and officers of the board, incurred by the authority of the board, and, if deemed expedient, to make contributions to a pension fund for the benefit of teachers, inspectors, officers and other employees of the board; R.S.O. 1927, c. 323, s. 88 (*o*); 1936, c. 55, s. 35. Urban boards to pay officials and maintenance expenses, and make contributions to pension fund.
- (*p*) to prepare and submit to the municipal council on or before such time as the council may prescribe, estimates for the current year of all sums required to be provided to meet expenditures for the schools Estimates to be submitted to council.

under their charge, and such estimates shall show the amount of any surplus or deficit remaining at the end of the preceding year and any revenues estimated to be derived by the board during the current year from all sources; 1933, c. 58, s. 11 (4).

Payment of  
teachers'  
salaries.

(*q*) to provide, in the case of rural schools, for the payment of a secretary's and teachers' salaries monthly, and, if necessary, to borrow on the promissory note of the board, under its corporate seal, at interest not exceeding eight per centum per annum, such moneys as may be required for that purpose until the taxes imposed therefor are collected;

To publish  
auditors'  
report.

(*r*) to submit, in the case of urban municipalities, all accounts, books and vouchers to be audited by the municipal auditors, whose duty it shall be to audit the same, and to publish, as soon as the audit is made, in one or more of the public newspapers or otherwise, an abstract of the annual report of the auditors with their findings and recommendations;

Custody and  
disposal of  
school  
property.

(*s*) to take possession of all property acquired or given for public school purposes and to hold the same according to the terms on which it was acquired or given, and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site or other cause, to convey the same under their corporate seal, and to apply the proceeds thereof for school purposes or as directed by this Act;

Supple-  
menting  
super-  
annuation  
allowances.

(*t*) to supplement out of school funds, as deemed expedient, any allowance payable under this Act to superannuated teachers; R.S.O. 1927, c. 323, s. 88 (*q-t*).

Insurance  
for teachers  
and officers.

(*u*) to contribute, as deemed expedient, towards providing life insurance for teachers and officers of the board; 1929, c. 84, s. 2.

Use of  
school-  
house.

(*v*) to permit the schoolhouse and premises to be used for any educational or other lawful purposes which may be deemed proper, provided the proper conduct of the school is not interfered with;

Evening  
lectures.

(*w*) if deemed expedient and subject to the regulations, to establish, conduct and maintain free lectures, open to the public, and to include in their estimate for the current year the expense thereof;



- (x) if deemed expedient, to dismiss the secretary or treasurer at any time and thereupon to make a new appointment to fill the vacancy; Dismissal of secretary or treasurer.
- (y) if deemed expedient, to provide books, stationery and other materials necessary in connection with the establishment and maintenance of a penny savings bank, or any system introduced for the encouragement of thrift and the habit of saving; Penny savings banks.
- (z) if deemed expedient, to provide for surgical treatment of children attending the school suffering from minor physical defects, where in the opinion of the teacher and (where a school nurse and medical inspector is employed) of the nurse and medical inspector, the defect interferes with the proper education of the child, and to include in their estimates for the current year the funds necessary for cases where the parents are not able to pay, provided that no such treatment shall be undertaken without the consent of the parent or guardian of such child; Providing surgical treatment for children in certain cases.
- (za) in cities of 100,000 population and over, to provide, if deemed expedient, and subject to the approval of the Minister, special classes for the instruction of blind or deaf and dumb pupils residing within the municipality; R.S.O. 1927, c. 323, s. 88 (*V-aa*). Special classes for blind and deaf.
- (zb) to provide and pay for such equipment as may be necessary for the teaching of agriculture, and, if deemed expedient, to contribute toward the support of rural school fairs; 1930, c. 63, s. 8. Agricultural equipment.
- (zc) if deemed expedient, to provide and maintain such equipment as may be deemed advisable and to operate the playground as a park or playground and rink during the school term or in vacation or both, and to provide such supervision as the board may deem proper, provided the proper conduct of the school is not interfered with; Operation of playgrounds.
- (zd) if deemed expedient, to organize and carry on gymnasium classes in the school building for pupils or others during the school term or in vacation or both, and to provide supervision and training for such classes, provided the proper conduct of the school is not interfered with. 1931, c. 71, s. 7. Organization and operation of gymnasium.

**90.** The board of a city may, when so requested in writing by a charitable organization having the charge of children of school age, employ and pay teachers for the education of such

Employing teachers in charitable institutions.

children and pay for and furnish school supplies for their use, whether or not such children are being educated in premises within or beyond the limits of such city, and any children being so educated shall be subject to the provisions of this Act and the regulations. 1934, c. 52, s. 8.

Grant for  
encourage-  
ment of  
physical  
training.

**91.**—(1) An urban board may expend such sums as it may deem expedient for establishing and maintaining cadet corps and in promoting and encouraging athletic exercises, but such sums shall not exceed \$200 per annum when the annual registered attendance of pupils does not exceed three thousand, and \$50 additional for each additional thousand in attendance. R.S.O. 1927, c. 323, s. 90 (1) ; 1933, c. 58, s. 12.

Military  
uniforms.

(2) The board may also provide uniforms for classes in military drill.

Consolida-  
tion of  
funds for  
games.

(3) Where a board of education has been established in any city or town the allowance for games to high schools and public schools may be consolidated, and games for the high schools and public schools held on the same day. R.S.O. 1927, c. 323, s. 90 (2, 3).

Travelling  
expenses  
attending  
teachers'  
associa-  
tion.

**92.** The board may pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association, or other like association of teachers or trustees in Ontario, and the board may make grants to the Ontario Educational Association or other like associations in Ontario. R.S.O. 1927, c. 323, s. 91 ; 1933, c. 58, s. 13.

Costs of  
legal pro-  
ceedings.

**93.** If deemed expedient, the board may pay the costs, or any part thereof, incurred by any member, teacher, officer or employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at any meeting of the board or of any committee thereof, relating to the employment, suspension or dismissal by the board of any person. 1936, c. 55, s. 36.

Board may  
provide for  
transporta-  
tion of  
pupils.

**94.** The board may provide for the transportation of pupils to and from a school maintained by it or which is used jointly by it and another board or other boards, and any payment made or any liability heretofore made or incurred for such purpose under agreement or otherwise is hereby validated and confirmed and declared to have been legally made or incurred. R.S.O. 1927, c. 323, s. 92.

**95.**—(1) The board of a section or municipality may provide for the transportation of pupils residing in the section or municipality, as the case may be, to and from a continuation, high or vocational school situate elsewhere which such pupils have the right by law to attend, and for the purpose may co-operate with any other board.

Transportation of resident pupils attending outside schools.

(2) The cost of providing transportation under section 94 or this section shall be an expense to be included in the estimates for the current year. 1932, c. 42, s. 13.

Cost of transportation.

#### DUTIES OF TREASURER

**96.**—(1) The treasurer shall give such security as may be required by the board, and the security shall be deposited with the clerk of the municipality.

Treasurer to give security.

(2) A trustee shall not be surety for the treasurer or for any person entrusted with school money.

Trustees not to be sureties.

(3) The treasurer shall receive all school moneys and shall account for the same and shall disburse all moneys as directed by the board, and he shall produce, when required by the board or by auditors or other competent authority, all papers and money in his possession, power or control belonging to the board. R.S.O. 1927, c. 323, s. 93.

Duties.

#### DUTIES OF SECRETARY

**97.** It shall be the duty of the secretary,—

Duties of secretary.

(a) to keep a full and correct record of the proceedings of every meeting of the board in the minute book provided by the board for that purpose, and to see that the minutes, when confirmed, are signed by the chairman of the meeting;

Minutes of meetings.

(b) in the case of a rural school section, to call a special meeting of the board at the request in writing of two trustees or of five electors, specifying the objects for which the meeting is to be held, and to state the objects of the meeting in the notice calling the same;

Calling special meetings.

(c) in the case of a rural section, to give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the municipality of the names and post office addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes;

Names and addresses of trustees and teachers to be given to township clerk.

Notice of  
annual  
meeting  
and meet-  
ings to fill  
vacancies in  
board, etc.

(d) in the case of a rural section, to give the notice required by this Act of each annual meeting of the ratepayers of the section, to call a special meeting of the ratepayers when directed by the board, or, on the request in writing of five electors, for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor, or for any other lawful school purpose, and to cause notices of the time and place and of the objects of such meeting to be posted up in three or more public places in the section at least six clear days before the time of holding such meeting, and to cause to be prepared for the annual meeting of the ratepayers a report for the year then ending containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during such year and any further information that may be required by the Minister or by the regulations, such report to be signed by the trustees and by either or both of the auditors of the section;

Report at  
annual  
meeting.

Transmis-  
sion of  
returns.

(e) to transmit to the inspector all returns, on or before the 15th day of January in each year, according to the forms prescribed by the regulations. R.S.O. 1927, c. 323, s. 94.

Compensa-  
tion of  
secretary-  
treasurer.

**98.** Where the secretary of a rural school section is not a member of the board he may be allowed such remuneration for his services and for attending to the repairs of the school-house or premises as shall be fixed by the trustees, and where he is a member of the board he may be allowed compensation for his services as provided in subsection 3 of section 139. R.S.O. 1927, c. 323, s. 95.

#### AUDITORS OF RURAL SECTIONS

Auditors.

**99.**—(1) There shall be two auditors for every rural section, one of whom shall be elected annually by the ratepayers at the annual meeting or at a special meeting, and the other appointed by the board on or before the 1st day of December in each year.

Filling  
vacancies.

(2) Where an auditor refuses or is unable to act or dies, another may be elected or appointed in his place.

Appoint-  
ment by  
inspector.

(3) If from any cause at any time after the 1st day of December there are not two auditors willing, able and authorized to act, the inspector on the written request of any two



ratepayers shall appoint one or both auditors as the case may require.

(4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer and each of them shall afford to the auditors all the information in his or their power as to the receipts and expenditures which the auditors or either of them may require.

Trustees and secretary-treasurer to lay accounts, etc., before auditors.

(5) The auditors, or one of them, shall on or immediately after the 1st day of December in each year appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section.

Time of audit.

(6) There shall be two auditors for every consolidated school, one of whom shall be appointed by the trustees and the other by the inspector. R.S.O. 1927, c. 323, s. 96.

Auditors for consolidated school.

**100.**—(1) It shall be the duty of the auditors to examine into and decide upon the accuracy of the accounts of the section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts with a full report thereon at the next annual school meeting.

Duties of auditors.

(2) Any difference of opinion between the auditors on any matter in the accounts shall be decided by the inspector.

Differences between auditors.

(3) If both auditors object to the lawfulness of any expenditure they shall report the matter to the annual meeting, and shall submit it to the Minister, whose decision shall be final. R.S.O. 1927, c. 323, s. 97.

Report of objections.

**101.** The auditors or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers, and documents as the auditor or auditors may direct, and may administer oaths to such persons and witnesses. R.S.O. 1927, c. 323, s. 98.

Powers of auditors.

**102.** An auditor who has entered upon an audit may complete the same although he has not done so within the time prescribed by this Act. R.S.O. 1927, c. 323, s. 99.

May complete audit after time prescribed.

DUTIES OF TEACHERS

**103.** It shall be the duty of every teacher,—

(a) to teach diligently and faithfully the subjects in the public school course of study as prescribed by the

Instruction and discipline.

regulations, to maintain proper order and discipline in the school, to encourage the pupils in the pursuit of learning, and to inculcate by precept and example respect for religion and the principles of Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

Use of  
English  
language.

- (b) to use the English language in instruction and in all communications with the pupils in regard to discipline and the management of the school, except where it is impracticable to do so by reason of the pupil not understanding English, but recitations requiring the use of a text-book may be conducted in the language of the text-book;

Duties in  
and about  
the school-  
house,  
registers,  
etc.

- (c) to see that the schoolhouse is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon, to call the roll every day according to the register prescribed by the regulations, to enter in the visitors' book visits made to the school, to give the inspector, trustees and visitors access at all times to the register and visitors' book, and to deliver the register, the schoolhouse key and other school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his engagement has ceased;

Classifica-  
tion of  
scholars and  
conduct of  
classes.

- (d) to classify the pupils according to the courses of study prescribed by the regulations, to conduct the school according to a time-table accessible to pupils and visitors, to prevent the use by pupils of unauthorized text-books in the school, to attend regularly the teachers' institutes in the inspectorate, to notify the board and the inspector of his absence from school and of the cause thereof, and to make at the end of each school term, and subject to revision by the inspector, such promotions from one class or form to another as he may deem expedient;

Examina-  
tions.

- (e) to hold closing exercises of the school and to give due notice thereof to the board, to any school visitors who reside in the school section, and through the pupils to their parents or guardians, and to hold such examinations as may be required by the inspector for the promotion of pupils or for any other purpose as the inspector may direct;

- (f) to furnish to the Minister and to the inspector any information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports of the board as are required by the regulations; Information for Minister and inspector.
- (g) to give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the schoolhouse, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement and neat appearance of the playgrounds, and to report promptly to the board and to the municipal health officer or to the school medical officer where one has been appointed, when he has reason to suspect the existence of any infectious or contagious disease in the school, or the unsanitary condition of the schoolhouse, outhouses or surroundings; Care of health of pupils. Preservation of school property.
- (h) to refuse admission to the school of any pupil who he believes is affected with or exposed to chickenpox, smallpox, cholera, glanders, scarlet fever, scarletina, diphtheria, whooping cough, measles, mumps or other infectious or contagious disease, or consumption, until furnished with a certificate of a medical officer of health or of a duly qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed; Infectious diseases among pupils.
- (i) to suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language, or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil and the board of such suspension, but the parent or guardian of any pupil suspended may appeal against the action of the teacher to the board which shall have power to remove, confirm or modify such suspension. Disciplinary powers.  
R.S.O. 1927, c. 323, s. 100.

**104.** A teacher who refuses to deliver to the board any visitors' book, school register, schoolhouse key or any other school property in his possession shall not be a qualified teacher until restitution is made, and he shall also forfeit any claim which he may have against the board. R.S.O. 1927, c. 323, s. 101. Refusal to give up key, etc.

## CHANGE OF AUTHORIZED TEXT-BOOKS

Change of  
text-book.

**105.** An authorized text-book in actual use may be changed by the teacher for any other authorized text-book on the same subject with the written approval of the board and subject to the regulations. R.S.O. 1927, c. 323, s. 102.

## AGREEMENTS

Valid agree-  
ments with  
teachers.

**106.**—(1) Every agreement between a board and a teacher shall be in writing signed by the parties thereto and sealed with the seal of the board, and shall be executed before the teacher enters upon his duties. R.S.O. 1927, c. 323, s. 103 (1); 1932, c. 42, s. 14.

Qualified  
teacher.

(2) No person shall be employed or act as a teacher unless he holds a certificate of qualification.

Salary of  
teacher.

(3) Unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

Cases of  
sickness  
or dental  
treatment.

(4) Every teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery, but the period of four weeks may in any case of sickness be allowed and extended at the pleasure of the board without a certificate.

Absence of  
teacher in  
quarantine.

(5) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties.

Disputes  
between  
teacher and  
trustees.

(6) All matters of difference between boards and teachers in regard to salary or other remuneration whatever may be the amount in dispute shall be determined in the division court of the division where the cause of action arose, subject to appeal, as provided by this Act.

Penalty on  
board for  
non-pay-  
ment of  
salary.

(7) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months' salary. R.S.O. 1927, c. 323, s. 103 (2-7).



(8) For the purposes of subsection 7 the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written agreement has been entered into and executed as required by subsection 1, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of an agreement in writing is without merit. 1934, c. 52, s. 9.

Failure of board to pay salary when no written agreement.

#### TEACHERS' CERTIFICATES

**107.**—(1) Any British subject of good moral character and physically fit to perform the duties of a teacher, may be awarded a certificate of qualification as a teacher upon passing the examinations prescribed by the regulations. R.S.O. 1927, c. 323, s. 104 (1).

Teaching certificates.

(2) All certificates shall be valid for such periods as the regulations prescribe.

Term of certificates generally.

(3) The inspector may suspend the certificate of any teacher in his inspectorate for inefficiency, misconduct, or a violation of this Act or of the regulations or for wilful neglect or refusal to carry out his agreement with a board, and he shall give notice in writing to the Minister, to the board concerned and to the teacher of such suspension and of the reasons therefor.

Suspension of certificate for misconduct, etc.

(4) The teacher may appeal to the Minister, who may make such order or orders with regard to the suspension as he deems proper. R.S.O. 1927, c. 323, s. 104 (5-7).

Appeal to Minister.

#### TEACHERS' INSTITUTES

**108.**—(1) Subject to the regulations, teachers may organize themselves into teachers' institutes for the purpose of receiving instruction in methods of teaching and for discussing educational methods.

Organization of teachers' institutes.

(2) The Minister may out of any money appropriated for that purpose apportion \$25 to each teachers' institute so organized and conducted according to the regulations where the number of teachers in an inspectorate or united inspectorate is one hundred or less, and where it is more than one hundred, \$25 for each additional one hundred or portion thereof, and the council of each county, city or separated town, or town in territory without county organization shall pay annually to the president of each teachers' institute established within such county, city, or town a sum at least equal to the amount so apportioned.

Aid to teachers' institutes by the Legislature and equivalent from municipalities.

City and  
county  
sharing.

(3) If the teachers in an inspectorate composed of a city and part of a county are united in one teachers' institute, the corporation of each municipality shall pay its share of the equivalent of the legislative grant in the proportion that the number of teachers in each inspectorate bears to the total number of teachers in the combined inspectorates.

In the  
districts.

(4) In territory without county organization the Minister may apportion \$50 to each teachers' institute where there is no city or town council liable for such contribution. R.S.O. 1927, c. 323, s. 105.

#### LEGISLATIVE AND MUNICIPAL GRANTS

Who to be  
sub-  
treasurer.

**109.**—(1) With respect to all moneys received by him from the county treasurer a township treasurer shall be a sub-treasurer of the county treasurer, but the county council may by by-law constitute the county treasurer the sub-treasurer for municipalities not separated from the county.

Treasurers  
of cities  
and separ-  
ated towns  
to receive  
grants.

(2) The treasurer of the school board of each city and separated town shall receive the government grants apportioned to the city or town and shall hold the same for school purposes subject to the order of the board.

Responsi-  
bility of  
treasurer  
and  
sureties.

(3) The treasurer and sub-treasurer and their sureties shall be accountable for school moneys to the county, city or town, as the case may be, and any bond or security given by a treasurer or sub-treasurer for duly accounting for and paying over moneys coming into their hands shall apply to school moneys, and may be enforced against the treasurer or sub-treasurer or his sureties in case of default on his or their part. R.S.O. 1927, c. 323, s. 106.

County  
treasurer to  
pay legisla-  
tive grant  
to township  
treasurers.

**110.**—(1) The treasurer of every county except where he acts as sub-treasurer also shall pay to the treasurer of every township within the county the legislative grant apportioned to the rural public and separate schools within the township.

Township  
treasurer's  
duties as to  
grants.

(2) The township treasurer shall pay to the boards of the rural public and separate schools within the township the amount of the legislative grant apportioned to such schools respectively.

Where  
county  
treasurer  
is sub-  
treasurer.

(3) Where the county treasurer acts as sub-treasurer also he shall perform the duty which is by subsection 2 to be performed by a township treasurer.

Statement  
to be sent  
with grant.

(4) A statement showing the amount of the legislative grant apportioned to the school shall be sent to every board by the sub-treasurer or the township treasurer as the case may be.

(5) The payments to the boards under this section shall be made on the warrant of the proper inspector. *R.S.O. 1927, c. 323, s. 107.* Payment on inspector's warrant.

(6) Notwithstanding the provisions of section 226 of *The Assessment Act* a county treasurer shall not, by reason of the default by a local municipality in payment of any moneys by such municipality to the county or county treasurer, retain or stop payment of any legislative grant or any part thereof received by him. *1933, c. 58, s. 14.* The Legislative grant—payment of. Rev. Stat., c. 272.

**111.**—(1) The council of every county shall levy and collect by an equal rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned by the Minister on the basis of the equipment and accommodations of the rural schools of the county, including portions of union school sections and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportions as such grant is apportioned. County rate in aid of schools.

(2) The council of every county shall levy and collect an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the schools in the municipality for fifth classes, and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned. County to raise equivalent to legislative grant for fifth classes.

(3) In a case of a union school section composed of parts of two or more counties the council of each county shall pay a proportion of the whole sum required to be paid under subsections 1 and 2 which bears the same ratio to that sum as the assessed value of the part of the section in the county bears to the assessed value of the whole section, such assessed value to be according to the last revised assessment rolls of the local municipalities in which the section is situate. Apportionment where section in two or more counties.

(4) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for public school purposes so that each county forming the union shall be liable only for sums payable in respect of public and separate schools within such county. *R.S.O. 1927, c. 323, s. 108.* Apportionment of school moneys in united counties.

(5) Where pupils from a county attend fifth classes in the schools of an urban municipality, the council of the county may agree with the board or boards having jurisdiction over such schools to contribute and pay to it or them for the cost County pupils attending fifth form classes in urban municipality.

of education of each of the said pupils a sum not exceeding eighty per centum of the total cost per pupil, which total cost shall be ascertained by dividing the total expenditure for the fifth classes, less any revenues by way of grants and fees properly attributable or apportionable thereto, by the total number of days' attendance of all pupils attending the fifth classes during the year in which the said pupils from the county attend.

County levy  
for pupils.

(6) For the purpose of providing any sum agreed to be paid for any year under subsection 5, the council of the county shall in the next ensuing year include such sum in the amounts to be levied for county purposes as provided in *The Assessment Act*. 1933, c. 58, s. 15.

Rev. Stat.,  
c. 272.

Township  
grant  
towards  
teachers'  
salaries.

**112.**—(1) The council of each township in a county shall each year levy and collect by assessment upon the taxable property of the public school supporters of the whole township, not included in an urban municipality or annexed to an urban municipality for school purposes, at least the sum or sums set forth below for every public school where a teacher or a principal teacher is engaged for two consecutive terms and the additional sums set forth below where an assistant teacher is engaged for two consecutive terms,—

- (a) where according to the equalized assessments the assessed value of all the taxable property of the public school supporters in such a township is at least equal to an average assessment of \$100,000 for each section therein, the sum of \$600 at least for every principal teacher and the additional sum of at least \$400 for every assistant teacher;
- (b) where such assessed value is at least equal to an average assessment of \$60,000, but is less than an average assessment of \$100,000, for each section, at least \$500 for each principal and \$350 for each assistant;
- (c) where such assessed value is at least equal to an average assessment of \$40,000, but is less than an average assessment of \$60,000, the sum of \$400 at least for each principal and \$300 for each assistant;
- (d) where such assessed value is at least equal to an average assessment of \$30,000, but is less than an average assessment of \$40,000, the sum of at least \$300 for each principal and \$200 for each assistant;
- (e) where such assessed value is below an average assessment of \$30,000, the sum of at least \$150 for each principal and \$100 for each assistant teacher;



(f) where a teacher or principal teacher is engaged for one school term or longer, but for less than two consecutive school terms, a proportionate amount of the sums set forth above shall be levied and collected for every principal and every assistant teacher.

(2) In a township in territory without county organization, whatever its assessment may be, the council of the township shall each year levy and collect as aforesaid the sum of \$150 at least for every school where a teacher or principal teacher is engaged for two consecutive school terms, and a proportionate part of such sum where a teacher or principal teacher is engaged for one school term or longer, and an additional sum of at least \$100 for every assistant teacher engaged for two consecutive school terms, and a proportionate amount of such sum where such assistant teacher is engaged for one school term or longer. R.S.O. 1927, c. 323, s. 109 (1, 2).

In townships in the districts.

(3) The sums so levied and collected shall be applied exclusively to teachers' salaries, and payment of sums to boards under this section shall not be made unless the salary of the teacher for the year, in each case, is at least \$500. R.S.O. 1927, c. 323, s. 109 (3) ; 1935, c. 64, s. 3 (5).

Application of township grant.

(4) In the case of a union school section formed of parts of townships the sums mentioned in subsections 1 and 2 shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 39. R.S.O. 1927, c. 323, s. 109 (4).

Township grants to union school sections.

(5) The council of every township shall each year levy and collect by assessment upon the taxable property of the whole township not included in an urban municipality or annexed thereto, for school purposes, such a sum as is required to pay the salary and expenses of the attendance officer or officers appointed by said council under authority of *The School Attendance Act* and *The Adolescent School Attendance Act*.

Township to raise salary and expenses of attendance officers under Rev. Stat., cc. 367, 368.

(6) The payments to the boards under this section shall be made on the warrant of the proper inspector. 1930, c. 63, s. 9.

Payments to boards.

(7) Each section in a township which forms part of a consolidated school section shall for the purposes of subsection 1 be counted as a separate section. 1933, c. 58, s. 16.

Township grant towards teachers' salaries.

**113.** Where part of the salary of a teacher in a rural school for any reason does not become payable or is withheld from him under the provisions of this Act, the sums payable respectively by the county, the township or townships, and the ratepayers and out of the legislative grant, on account of such salary, shall abate in the proportions in which they were respectively liable for the whole. R.S.O. 1927, c. 323, s. 110.

Abatement of amounts proportionately.

Amounts  
required to  
be raised to  
be paid over  
as required.

**114.** All moneys required to be levied and collected and applied to the salaries of teachers shall be paid to the treasurers of the respective boards from time to time as may be required by them. R.S.O. 1927, c. 323, s. 111.

Consoli-  
dated  
schools.

**115.**—(1) Subject to the provisions of sections 21 to 27, the provisions of sections 111 to 113 shall apply to consolidated schools, but the amount of the township grant provided for by section 112 shall not be less than the total amount which would be paid to the boards of trustees of the school sections included in the consolidated school section had the sections not been consolidated, and if more teachers are employed in the consolidated school than were employed in the school sections, the grant shall be as for a principal teacher for each school consolidated, and as for an assistant teacher for each teacher in excess of the number of teachers employed in the sections at the time when consolidation took place.

Distribu-  
tion of  
township  
grant on  
division of  
sections on  
forming  
consoli-  
dated  
school.

(2) Where upon the formation of a consolidated school section a public school section has been divided and each of the provisional sections so formed has become a part of a consolidated school section, the township grant for the public school section divided shall be apportioned between the consolidated school sections according to the assessment of each of the provisional sections.

When grant  
to be paid  
to inde-  
pendent  
section.

(3) Where one of the provisional sections becomes part of a consolidated school section and the remaining provisional section is continued as an independent section the whole of the township grant shall be paid to such independent section until it becomes part of a consolidated school section, and thereupon the grant shall be distributed as provided in subsection 2.

Where  
remaining  
provisional  
section  
merged.

(4) Where a provisional section which has not been included in a consolidated school section ceases to remain an independent section and becomes a part of an adjoining school section by rearrangement of boundaries or by the formation of a union school section, the township grant formerly paid to the school section of which the provisional section formed a part shall be paid to the consolidated school section, or if more than one consolidated school section has been formed the township grant shall be apportioned to each of such consolidated school sections as provided in subsection 2.

Township  
grant not to  
be payable  
to consoli-  
dated school  
section  
including  
urban muni-  
cipality.

(5) Where a consolidated school section includes an urban municipality the consolidated school section shall not share in the township grant to be levied and applied under section 112, and the portion of the township included in the consolidated school area shall be exempt from taxation for the purpose of raising the amount necessary for the payment of such township grant. R.S.O. 1927, c. 323, s. 112.

## INSPECTORS

*Number. Limits of Inspectorates*

**116.**—(1) The Minister shall determine the number of inspectors to be appointed throughout the Province, and he shall also define the limits of the inspectorate of each inspector except in the case of a city inspector.

Minister to determine number of inspectors.

(2) Where more inspectors than one are appointed in a city, the board of education or board of public school trustees, as the case may be, shall, subject to the approval of the Minister, define the limits of the inspectorate of each inspector, and subject to the like approval may assign to each inspector such duties in addition to those prescribed by the regulations as the board may deem expedient. 1930, c. 63, s. 10, *part.*

In cities where several inspectors.

**117.**—(1) Where the duties of an inspector are confined entirely to the public schools of a city, the appointment of such inspector shall be made by the board of education or the public school board, as the case may be, of the city.

Appointment in cities where no duties outside.

(2) The appointment of all other inspectors shall be made by the Lieutenant-Governor upon the recommendation of the Minister, and they shall hold office during pleasure.

Appointments elsewhere to be made by Crown.

(3) Where the Minister directs the appointment of an additional inspector in a city, or when a vacancy occurs in the office of city inspector, an inspector shall be appointed by the board by resolution passed at the first meeting held after receiving such direction or after the vacancy occurs.

Appointments to fill vacancies in cities.

(4) The secretary of the board shall forthwith transmit a copy of the resolution, certified by the chairman, to the Minister by registered post.

Resolution to be sent to Minister.

(5) Where a public school board or board of education of a city for one month after a vacancy occurs or after the Minister has directed the appointment of an inspector neglects to make an appointment the same may be made by the Minister.

Appointment by Minister on neglect of board.

(6) Every appointment of a city inspector shall be subject to ratification by the Minister, and if not so ratified within one year after he enters upon his duties the engagement of the inspector shall terminate at the end of that period and the board shall appoint another inspector as provided for by this Act.

Ratification of appointment by Minister.

(7) Where more inspectors than one are appointed in a city the board may, subject to the approval of the Minister, designate one of the inspectors to be chief inspector, and, subject also to the approval of the Minister, the board may assign such

Chief inspector for city, assignment of duties.

duties in addition to those prescribed in the regulations to the chief inspector and to each inspector, as the board may deem expedient.

Where inspector to be appointed for city only.

(8) When the number of teachers in a city occupying separate classrooms with separate registers becomes one hundred, the public school board or the board of education, as the case may be, of the city shall appoint a city inspector.

Where city inspector may be appointed elsewhere.

(9) In a city where the number of teachers occupying separate classrooms with separate registers is fewer than one hundred, the public school board or board of education, as the case may be, of the city may make application to the Minister for power to appoint a city inspector and the Minister shall have authority to approve of the request. 1930, c. 63, s. 10, *part*.

Suspension or removal of inspector by Minister.

**118.**—(1) An inspector may be suspended or removed from office by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.

By board.

(2) (a) The board of a city by which an inspector is appointed may suspend the inspector for neglect of duty, misconduct, inefficiency or physical infirmity.

Report to Minister.

(b) The secretary of the board of the city shall forthwith report such suspension to the Minister in writing, with a statement of the reasons therefor, and the Minister may remove or confirm the suspension or may remove the inspector from office, and the decision of the Minister shall be final.

Direction as to payment or forfeiture of salary.

(3) The Minister may give such direction as to the payment or forfeiture of the salary of the inspector for the period of suspension as he may think just. 1930, c. 63, s. 10, *part*.

Regulations as to qualification.

**119.**—(1) The Minister shall have power to make regulations from time to time governing the qualifications of inspectors, and he shall also have power to make provision for courses of training for inspectors.

Inspector removed not to be employed.

(2) No person shall be appointed or act as an inspector of public schools who has been removed from the office of inspector by the Minister.

Qualification of city inspector.

(3) An inspector appointed by the board of education or the public school board, as the case may be, of a city shall hold the qualifications for an inspector prescribed by the regulations and shall be required to take such courses of training as may be required under the regulations.

Whole time to be given.

(4) An inspector shall not accept any other office or employment and may not follow any other profession or calling



during his tenure of office as an inspector, without the approval of the Minister. 1930, c. 63, s. 10, *part*.

**120.**—(1) Subject to the regulations it shall be the duty <sup>Duties of inspectors.</sup> of every public school inspector,—

- (a) to bring about improvement in the work done in the classrooms by inspiring the teachers and pupils and by sympathetically assisting the teachers to improve their practice;
- (b) to assist and co-operate with school boards to the end that the public schools may best serve the needs of the children in each community;
- (c) to visit in every year each school room in his inspectorate, having a separate register, as often and for such length of time on each occasion as the Minister may direct;
- (d) to prepare a report of every such visit in the form prescribed by the regulations;
- (e) to forward within ten days after such visit a copy of every such report to the board within whose jurisdiction the school is situate;
- (f) to make a general annual report as to the performance of his duties and the condition of the schools in his inspectorate to the Minister, and also to the board of the city in the case of a city inspectorate;
- (g) to report to the medical officer of health of the municipality any case in which the school buildings or premises are found to be in an unsanitary condition;
- (h) to furnish the Minister with information respecting any public school in his inspectorate whenever required to do so;
- (i) to withhold his order for the amount apportioned from the legislative grant and to order the withholding of the municipal grant,—
  - (i) where any school has been kept open for less than six months in the year, except where the school has been closed by order of the medical officer of health or local or provincial health authorities on account of the prevalence of any communicable disease;
  - (ii) where the board fails to transmit promptly the annual or other school returns properly filled up;

(iii) where the board fails to comply with this Act or with the regulations;

(iv) where the teacher uses or permits to be used as a text-book, any book not authorized by the regulations;

and in every case to report to the board and to the Minister his reasons for so doing;

(j) to discharge such other duties as may be required by the Minister or regulations;

(k) on retiring from office to deliver to his successor his official correspondence and all school papers in his custody on the order of the Minister.

Responsi-  
bility to  
Minister.

(2) Every inspector shall be directly responsible to the Minister for the due performance of his duties, and, subject to the regulations, shall obey the direction of the board in the case of a city inspectorate.

Power  
to take  
evidence  
on oath.

(3) Where an inspector requires the testimony of a witness as to any fact alleged in any complaint or appeal made to him or to the Minister he may administer an oath to the witness and he shall have the like power to take evidence and to enforce the attendance of witnesses and the production of documents as a court has in civil cases. 1930, c 63, s. 10, *part*.

How  
salaries to  
be fixed.

**121.**—(1) The salaries and travelling and other expenses of all inspectors, except city inspectors, shall be fixed by the Minister, and shall be paid by the Treasurer of Ontario out of the moneys appropriated for that purpose, at such times and in such manner as the Minister may direct.

In cities.

(2) The salary and the travelling and other expenses of a city inspector shall be fixed by the board of education or the board of public school trustees, as the case may be, and shall be payable by the treasurer of the board.

Grant to  
city in-  
spectorate  
towards  
salary.

(3) Out of such moneys as may be appropriated for that purpose the Treasurer of Ontario shall annually in the month of December pay to the board of a city inspectorate the sum of \$6 for every teacher occupying a separate room with a separate register, and the amount so paid shall be applied towards the payment of the salary of the inspector. 1930, c. 63, s. 10, *part*.

#### ALLOWANCE TO ARBITRATORS AND INSPECTORS

Arbitrators  
to award  
costs.

**122.** Arbitrators in making their award shall, among other things, determine the liabilities of the parties concerned for the

costs of the arbitration, and such determination shall be final and conclusive. R.S.O. 1927, c. 323, s. 119.

**123.** Every person other than an inspector engaged as arbitrator on any matter arising under this Act shall be paid Allowance to arbitrators. \$4 a day and travelling expenses. R.S.O. 1927, c. 323, s. 120.

#### APPEALS FROM DIVISION COURT DECISIONS

**124.**—(1) In an action between a teacher and a board under this Act the judge of the division court in which the action is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal. Appeals from division court judgment.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the judge to the Court of Appeal, by serving notice in writing of such appeal upon the clerk of the division court appealed from, which appeal may be entitled "The Minister of Education for Ontario, Appellant, in the matter between (*naming the parties*)."

(3) The judge shall thereupon transmit to the central office of the Supreme Court at Toronto, certified under his hand, the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto, and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections. Transmission of papers to Supreme Court.

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined. Stay of proceedings.

(5) The Court of Appeal shall give such order or direction to the court below touching the judgment to be given as the circumstances require, and upon receipt of such order or direction the judge shall proceed in accordance therewith. Direction to the court below.

(6) The Court of Appeal may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken which shall be certified to and form part of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister and charged as contingent expenses of his office. Costs.

(7) Notwithstanding anything herein contained, any party to an action in which the plaintiff claims more than \$100 shall have the same right of appeal as in an action in the division court. R.S.O. 1927, c. 323, s. 121. Right of appeal.

## SUPERANNUATION

(NOTE.—*As to the rights of teachers and inspectors who have elected to take the benefit of The Teachers' and Inspectors' Superannuation Act, see section 15 of that Act.*)

Superannuation fund.  
Rev. Stat.,  
c. 366.

**125.** Every teacher and inspector who is not subject to *The Teachers' and Inspectors' Superannuation Act*, and whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers, may continue to contribute to such fund in such manner as may be prescribed by the regulations the sum of at least \$4 annually, but no payment of arrears which accrued before the first day of January, 1885, shall be allowed. R.S.O. 1927, c. 323, s. 122.

Repayment  
to wife, etc.,  
of deceased  
teacher.

**126.** On the death of such teacher or inspector, the wife, husband or legal representative of such teacher or inspector shall be entitled to receive the amount paid into such fund by such teacher or inspector with interest at the rate of seven per centum per annum. R.S.O. 1927, c. 323, s. 123.

Allowance  
upon retire-  
ment at  
sixty years  
of age.

**127.**—(1) Every such teacher and inspector who, while engaged in his profession, has contributed to the fund as provided by this Act, shall, on reaching the age of sixty years, if he retires from the profession, receive an annual allowance at the rate of \$6 per annum, or such larger rate as may be approved by the Lieutenant-Governor in Council, for every year of service in Ontario, upon furnishing evidence of good moral character, age and length of service.

Or after  
thirty years  
of service.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation under this Act by reason of his having retired from active service before reaching that age if he has served for a period of thirty years.

Retirement  
through  
disability.

(3) Every teacher and inspector under sixty years of age who has so contributed and who is disabled from practising his profession shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character, and disability.

Extra  
allowance  
to certain  
teachers.

(4) Every superannuated teacher and inspector who holds a first or second-class provincial certificate, or a first-class county board certificate, and every principal of a high school or collegiate institute shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate or while he acted as principal of a high school or collegiate institute.



(5) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place. When allowance to cease.

(6) If a superannuated teacher or inspector, with the consent of the Minister, resumes the profession of a teacher or inspector, his allowance shall be suspended during the time he is so engaged, and if he is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act and the regulations. Teacher resuming profession. Again retiring.

(7) A teacher or inspector who, having resumed his profession, wilfully draws or continues to draw upon the superannuation fund shall forfeit all claim to the fund and his name shall be struck off the superannuation list. Forfeiture of claims.

(8) A teacher or inspector who retires from the profession, or who desires to remove his name from the list of contributors to the superannuation fund shall be entitled to receive back one-half of any sum contributed by him to the fund. Repayment to contributors.

(9) Where a teacher or inspector does not avail himself of the provisions of section 125 or of subsection 8 of this section, the provisions of section 126 and subsections 1 to 7 of this section shall apply so far as relates to all sums already paid by him into the superannuation fund. Teachers not availing themselves of Act.

(10) The foregoing provisions of this section shall not apply to a teacher or inspector who has elected, as provided by *The Teachers' and Inspectors' Superannuation Act*, to become a contributor to the fund established under that Act. R.S.O. 1927, c. 323, s. 124. Teachers and inspectors electing to be subject to Rev. Stat., c. 366.

(NOTE.—As to power of board to receive gifts, devises, bequests, see *The Mortmain and Charitable Uses Act*, Rev. Stat., c. 147, s. 13.)

**128.** A teacher or inspector who, at the time of the coming into force of *The Teachers' and Inspectors' Superannuation Act* was a contributor to the fund dealt with in sections 125 to 127, and who elected to become subject to the provisions of the said Act, may, upon making application for superannuation under the said Act, give notice in writing to the Commission administering the Teachers' and Inspectors' Superannuation Fund abandoning any claim to the additional allowance provided for in clause *f* of section 6 of said Act, and in that case he shall be entitled to be paid out of any funds provided for the payment of allowances under sections 125 to 127 the full amount of his contributions under the said sections, or under any provisions for which the same were substituted, and the said clause *f* shall cease to be applicable to him. R.S.O. 1927, c. 323, s. 125. Right to refund contributions to Ryerson Fund. Rev. Stat., c. 366.

Retiring allowance to teachers, officers and inspectors.

**129.** Where a teacher, inspector, officer or other employee of a board whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board, in the case of a teacher, city inspector, officer or other employee, may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may make a grant to him by way of gratuity of a sum not exceeding the present value of such annual allowance computed on the basis of interest at the rate of four per centum per annum. R.S.O. 1927, c. 323, s. 126; 1930, c. 63, s. 11; 1936, c. 55, s. 38.

Pension fund for officers and employees of board.

**130.**—(1) The board may establish a pension fund for officers and employees, other than teachers and inspectors, or any class or classes thereof, entitled to annual pensions or superannuation allowances upon their retirement from office or employment with the board.

Contributions by officers and employees.

(2) Every pension fund so established shall provide for contributions thereto by officers and employees of the board and by the board itself upon such basis as may be requisite to ensure the actuarial soundness of the pension fund, and every resolution for the establishment of a pension fund shall be subject to the approval of the Superintendent of Insurance and shall make provision for the management of the fund and of investments forming any part thereof, and as to the contributions to and payments from the fund and otherwise as may be necessary, and for vesting such management in a board, hereinafter referred to as the "management board," constituted as set forth in the resolution.

Rights, privileges and liabilities.

(3) The rights, privileges, liabilities and responsibilities of every contributor to a pension fund so established shall be as set forth in the resolution establishing the same and the rules and regulations prescribed by the management board.

Management board.—powers of.

(4) The management board of a pension fund shall have such powers as are set forth in the resolution establishing the fund, and may make such rules and regulations for the management of the fund and investments forming any part thereof, and respecting the rights, privileges, liabilities and responsibilities of the contributors to the fund as to the management board may from time to time appear necessary or expedient, but not so as to conflict with the resolution establishing the pension fund.

Contributions by board.

(5) The board shall have the power to, and it shall yearly provide such sum or sums in contribution to the pension fund as may be provided for in the resolution establishing the same.

(6) Subject to the approval of the Superintendent of Insurance being first obtained, any resolution establishing a pension fund may from time to time be amended by the board.

Amendment  
of resolution  
by  
board.

(7) The board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. 1936, c. 55, s. 39.

Gifts, etc.—  
investment  
of.

Rev. Stat.,  
c. 165.

#### INSTRUCTION IN AGRICULTURE, MANUAL TRAINING AND HOUSEHOLD SCIENCE

**131.**—(1) The council of a township may engage the services of a person holding the degree of Bachelor of the Science of Agriculture, or other certificate of qualification, from the Ontario Agricultural College and approved of by the certificate of the Minister, or of an instructor qualified as required by the regulations to give instruction in agriculture, manual training and household science in the public schools of the municipality, and the council may levy and collect from the ratepayers of such municipality who are public school supporters such sums as may be necessary to pay the salaries of such instructors and all other expenses connected therewith.

Engage-  
ment of  
instructor  
in agricul-  
ture by  
township  
council.

(2) The courses of instruction shall be those prescribed by the regulations.

Courses of  
instruction.

(3) The board of a rural school section or of a union school section, or a number of such boards, may severally or jointly engage the services of any person qualified as provided in subsection 1 for the purpose of giving similar instruction to the pupils of their respective schools.

Engage-  
ment by  
board.

(4) The courses of instruction in agriculture, manual training and household science shall, as far as practicable, be open to all residents of the school section or municipality. R.S.O. 1927, c. 323, s. 127.

Course in  
agriculture  
to be open  
to all  
residents.

**132.**—(1) The high school board, the public school board and the separate school board, or the board of education and the separate school board, or any of such boards in a city, town or village, may enter into agreements with one another for the formation and carrying on of classes for instruction in agriculture, manual training and household science in connection with the work of the schools under the management of such boards, and for providing suitable buildings, apparatus and appliances for carrying on such classes and the appointment of teachers therefor, and the proportion in which the cost thereof is to be borne by each board.

Manual  
training and  
domestic  
science  
classes in  
urban  
schools.

Management under committee.

(2) The boards may delegate the management and control of such classes and the buildings, apparatus and appliances used in connection therewith to such committee or committees as they may see fit, composed of members of such boards or of one or more of them, and such committees may, if the cost thereof has been included in the estimate mentioned in subsection 4, procure from time to time such buildings, apparatus, appliances and material as may be deemed necessary for carrying on such classes, and may engage teachers therefor.

Duration of office.

(3) The members of any such committee shall hold office during the pleasure of the board by which they are appointed.

Providing for cost of instruction.

(4) The committees shall annually, on or before the 1st day of February, furnish to each board an estimate of the amount required for carrying on such classes during the then current year, and the boards shall include in the estimates to be furnished to the council of the city or town the proportion of the amount so required which is to be provided by the board, and the same shall be included in the school rates of the municipality and levied and collected therewith. R.S.O. 1927, c. 323, s. 128.

#### OFFENCES AND PENALTIES

Use of unauthorized text-books.

**133.** If a teacher negligently or wilfully permits an unauthorized book to be used as a text-book by the pupils of his school, the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book, or any less sum at its discretion. R.S.O. 1927, c. 323, s. 129.

False declaration as to right to vote.

**134.** Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees shall incur a penalty of not less than \$5 and not more than \$10. R.S.O. 1927, c. 323, s. 130.

Refusing to serve.

**135.** A trustee who refuses to serve after being duly elected with his own consent shall incur a penalty of \$5, and a person elected as a trustee who as such attends any meeting of the board after becoming disqualified shall incur a penalty of \$20 for every meeting so attended. R.S.O. 1927, c. 323, s. 131.

Disqualified persons acting.

Penalty for refusal to perform duties.

**136.** Every person elected as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 323, s. 132.



**137.** A trustee shall not be eligible for appointment as public school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of public school trustee, nor shall an inspector be a teacher or trustee of a high, public or separate school while he holds the office of inspector. R.S.O. 1927, c. 323, s. 133.

Disqualifi-  
cation for  
certain  
offices.

**138.** If a trustee is convicted of any indictable offence or becomes mentally ill, or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the municipality, or in the case of a city within one mile of the city or within the school section for which he is a trustee, he shall *ipso facto* vacate his seat, and subject to the provisions of subsection 2 of section 79, the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election. R.S.O. 1927, c. 323, s. 134.

Seat vacat-  
ed by con-  
viction for  
crime, etc.

**139.—(1)** A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat.

Seat vacat-  
ed by  
interest in  
contract  
with board.

(2) On the complaint of two ratepayers of the municipality or section or of the remaining trustee or trustees, the judge of the county or district court shall, on proof of the facts, declare the seat vacant, and, subject to the provisions of subsection 2 of section 79, the remaining trustee or trustees shall forthwith order a new election.

When seat  
may be  
declared  
vacant.

(3) Nothing in this section shall prevent a trustee receiving payment as provided by section 47, or prevent the board of a rural section from allowing the secretary or treasurer such compensation for his services as may be approved at the annual meeting or at a special meeting of the ratepayers and duly entered in the minutes. R.S.O. 1927, c. 323, s. 135.

Exception.

(4) Where a complaint is made in writing to the inspector by any two ratepayers of a rural school section or by the other trustee or trustees thereof, that any trustee of such school section was not, at the time of his election, qualified to be elected, or is not competent to act, or is disqualified from acting,

Complaint  
that trustee  
not qualified  
to act.

the inspector may file such complaint with the judge of the county or district court and on proof that the complaint is based on fact, the judge shall declare the seat vacant, and a new election shall forthwith be held. 1936, c. 55, s. 40.

Newspaper  
proprietors  
inserting  
official  
advertisements  
not  
disqualified  
from sitting  
on boards,  
etc.

**140.**—(1) No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board, or in which an advertisement is inserted in the regular course of business, if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1927, c. 323, s. 136.

Contracts,  
etc.—  
voting on.

(2) A trustee who is a shareholder, officer, director or other employee of a company shall not vote on any question affecting the company in respect to any dealings or contract between such company and the board of which he is a member. 1936, c. 55, s. 41.

Penalty for  
disturbing a  
school or  
school  
meeting.

**141.** Any person who wilfully interrupts or disquiets the proceedings of a school meeting, or a public school, by acting in a disorderly manner or by making a noise either within the place where such meeting is held or such school is kept or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school, shall for each offence incur a penalty not exceeding \$20. R.S.O. 1927, c. 323, s. 137.

Penalty for  
chairman  
neglecting  
to report to  
inspector.

**142.** A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided within ten days after the holding of such meeting shall incur a penalty not exceeding \$5. R.S.O. 1927, c. 323, s. 138.

Liability  
for neglect  
to take  
security.

**143.** If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school moneys and any school moneys are forfeited or lost to the municipality, section or board in consequence of such refusal or neglect, every member of the board shall be personally liable for such moneys, and the same may be recovered by the board or any ratepayer interested therein suing on behalf of himself and all ratepayers of the municipality or section interested in any court of competent jurisdiction; but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. R.S.O. 1927, c. 323, s. 139.

**144.** A secretary or a treasurer and a person having been such secretary or treasurer, and a trustee or other person who has in his possession any book, paper, chattel, or money which came into his possession as such secretary, treasurer, trustee or otherwise, shall not wrongfully withhold or neglect or refuse to deliver up or account for and pay over the same or any part thereof to the person and in the manner directed by the board or by other competent authority. R.S.O. 1927, c. 323, s. 140.

Secretary-treasurer or trustee, refusing to deliver up books and moneys.

**145.**—(1) Upon application to a judge of the county or district court by the board or by two ratepayers supported by affidavit showing such wrongful withholding or refusal, the judge may summon such secretary, treasurer, trustees or person to appear before him at a time and place appointed by him.

Summons for appearance.

(2) Any bailiff of a division court, upon being requested so to do, shall serve the summons or a true copy thereof on the person complained against personally, or by leaving the same with a grown-up person at his residence.

Service of summons.

(3) At the time and place so appointed, the judge, being satisfied that service has been made, shall in a summary manner and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded, the judge shall order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

Hearing of complaint and order thereon.

Order to account.

(4) In the event of non-compliance with the order, the judge may order the person complained against to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

Effect of non-compliance with judge's order.

(5) Upon proof of his having so done, the judge shall make an order for his discharge and he shall be discharged accordingly.

Discharge on compliance with order.

(6) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed, the judge may order his discharge on such terms or conditions as he may deem just.

Discharge on terms.

(7) Such proceedings shall not impair or affect any other remedy which the board or any other person may have against

Other remedy not affected.

the person complained against or against any other person. R.S.O. 1927, c. 323, s. 141.

Compelling delivery of books, money, etc., on dissolution of school corporation.

**146.**—(1) Sections 144 and 145 shall apply to the case of any person who has in his possession any book, paper, chattel or money which came into his possession as secretary, or treasurer, or trustee, or otherwise, of a board of trustees of a school section or urban municipality which has been dissolved by reason of the annexation of such school section or urban municipality to a city, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money to the person and in the manner directed by the board of education, the board of public school trustees or other competent authority in the city to which such school section or urban municipality has been annexed, and in default of his so doing, proceedings may be taken against him by the urban board or by two ratepayers of the city in the same manner as in the case provided for by section 145, and that section shall *mutatis mutandis* apply.

Application of subs. 1.

(2) Subsection 1 shall apply to every person who has received from such secretary, treasurer, trustee, or other person any book, paper, chattel or money, which by subsection 1, it is declared to be the duty of such secretary, treasurer, trustee or other person to deliver up, and the like proceedings may be taken against such first mentioned person. R.S.O. 1927, c. 323, s. 142 (1, 2).

Penalties on trustees refusing information, etc., to auditor.

**147.** It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in their or his power which may be required of them or him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 323, s. 143.

Penalty for neglect to make returns.

**148.** If the board of a rural school section neglects to transmit to the inspector, in accordance with the regulations, a correct and verified statement of the attendance of pupils in each of the schools under its charge during the twelve months then immediately preceding, the section shall not be entitled to its share of the legislative grant for such twelve months, and every member of the board so neglecting shall be personally responsible for the amount of the loss of such share. R.S.O. 1927, c. 323, s. 144.

Penalty for delaying yearly reports.

**149.** If the board of any school section neglects to prepare and forward such annual statement to their county inspector by the 15th day of January in every year, each of them shall,



for every week thereafter until such statement has been prepared and presented, incur a penalty not exceeding \$5. R.S.O. 1927, c. 323, s. 145.

**150.** If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, he shall, for every offence, incur a penalty not exceeding \$20. R.S.O. 1927, c. 323, s. 146.

Penalty for false school reports and registers.

**151.** If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act, he shall incur a penalty not exceeding \$10. R.S.O. 1927, c. 323, s. 147.

Clerk neglecting or refusing to perform duties.

**152.** If an annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice shall incur a penalty of \$5. R.S.O. 1927, c. 323, s. 148.

Penalty for not calling school meetings.

(NOTE.—*For liability of a trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and anyone employing or paying him, see The Department of Education Act, Rev. Stat., c. 356.*)

**153.** Where a board makes default in maintaining a public school during the whole school year, or such part thereof as this Act requires, every member of the board shall incur a penalty of \$5 for every week during which such default continues, unless he proves that he did everything in his power to prevent such default. R.S.O. 1927, c. 323, s. 149.

Penalties for not maintaining school as required by Act.

**154.** The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*, and shall be applied to such school purposes as the Minister may direct. R.S.O. 1927, c. 323, s. 150.

Recovery and application of penalties.  
Rev. Stat., c. 136.

## CHAPTER 358.

## The Auxiliary Classes Act.

Interpreta-  
tion.

**1.** In this Act,—

“Board.”

- (a) “Board” shall mean and include a board of education, board of public school trustees, and board of separate school trustees in a city;

“Regula-  
tions.”

- (b) “Regulations” shall mean regulations made by the Minister of Education under the authority of this Act and *The Department of Education Act*. R.S.O. 1927, c. 324, s. 1.

Rev. Stat.,  
c. 356.

Classes  
which may  
be estab-  
lished.

- 2.** A board may establish and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause, unable to take proper advantage of the ordinary public or separate schools courses. R.S.O. 1927, c. 324, s. 2.

Powers of  
board.

- 3.**—(1) For the purposes of section 2, the board may, subject to the approval of the Minister of Education,—

- (a) acquire a site and erect thereon such buildings as may be suitable for the education and training of the pupils;
- (b) establish such courses of instruction and training as may be best adapted to secure the mental and physical development of the pupils;
- (c) appoint such teachers and special instructors in ordinary learning or in any useful and beneficial occupation as the board may think proper;
- (d) provide in connection with the classes in the same or a separate building a suitable residence and home for the pupils or such of them as in the judgment of the board, subject to the approval of the Inspector of Auxiliary Classes, can be more suitably provided for in such residence and engage such officers and servants as may be deemed proper for the oversight and care of the pupils in the residence.

(2) With the approval of the Minister, a site may be acquired and buildings erected thereon in an adjoining township, and for that purpose the board shall have and may exercise within such township the like powers as within the city for which the board is constituted.

Acquiring site, etc., in adjoining municipality.

(3) With the approval of the Minister, the council of a city having a population of not less than 200,000 may acquire land in the municipality, or elsewhere, or may set aside land already owned by the corporation, or any land acquired or held for industrial farm purposes, as a site or sites, and may erect suitable buildings thereon for the purposes of subsection 1, but any rates levied for the aforesaid purposes shall be levied on the property of public school supporters only. R.S.O. 1927, c. 324, s. 3.

Power of city over 200,000 to acquire site and erect buildings.

4. It shall be the duty of a board where a residence is established to provide for the due instruction of the pupils in religion by the clergymen or ministers of the respective churches or religious denominations to which they belong, and for their attendance at religious worship. R.S.O. 1927, c. 324, s. 4.

Duty of board as to religious instruction and worship.

5. Where a board establishes a residence under this Act, every pupil admitted thereto shall be a ward of the board and shall be subject to the control and custody of the board during school age and for such further period, but not after reaching the age of twenty-one years, as the board, subject to the approval of the Inspector of Auxiliary Classes, may deem advisable. R.S.O. 1927, c. 324, s. 5.

Pupils to be wards of the board.

6.—(1) Subject to the regulations pupils shall be admitted to auxiliary classes upon the report of a board consisting of the principal of the school, the school medical inspector and another school inspector or the chief school inspector as the case may be, of which board the principal shall be the chairman, approved by the Inspector of Auxiliary Classes.

Admission.

(2) Pupils may be admitted to auxiliary classes from other municipalities upon such terms as may be permitted or prescribed by the regulations.

Admission from other municipalities.

(3) The fees for instruction and for board and lodging shall be payable by the parents or guardians of the pupils, as may be fixed by the board, with the approval of the Minister of Education. R.S.O. 1927, c. 324, s. 6.

Fees.

7. Where a board has established auxiliary classes under this Act, it shall be its duty to provide for the proper supervision of the health and treatment of every pupil attending the

Supervision of health, etc., of pupils.

classes and for proper medical treatment of every pupil who appears to the principal or inspector to require the same. R.S.O. 1927, c. 324, s. 7.

Visiting  
pupils in  
their homes.

**8.** The board may direct the school medical inspector or such other officer as the board may appoint, to visit pupils in their homes and to consult and advise with their parents as to their treatment and the conditions which will best enable the pupils to attain the greatest possible degree of intelligence and education. R.S.O. 1927, c. 324, s. 8.

Trans-  
portation of  
pupils.

**9.** Subject to the regulations, the board may provide for the transportation of pupils to and from the classes, and may pay for the same out of the funds provided under section 10. R.S.O. 1927, c. 324, s. 9.

Raising  
money for  
classes.

**10.**—(1) The moneys required by the board for the carrying out of the objects of this Act shall be raised and levied in the same manner as for the erection, establishment, improvement or maintenance of the public or separate schools under the control of the board.

Raising  
money for  
certain  
purposes.

(2) The moneys required for the purposes of subsection 3 of section 3 shall be raised and levied in the same manner as for the erection, establishment, improvement or maintenance of public schools under the control of the board. R.S.O. 1927, c. 324, s. 10.

Regula-  
tions.

**11.**—(1) The Minister of Education may from time to time make regulations subject to the approval of the Lieutenant-Governor in Council for the administration and enforcement of this Act and for the establishment, organization, government, examination and inspection of auxiliary classes, the admission and dismissal of pupils, the duration of their term of residence, and for prescribing the accommodation and equipment of school houses, residences and buildings and the arrangement of school premises for auxiliary classes.

Inspector.

(2) The regulations may provide for the appointment of a duly qualified medical practitioner who may be an officer of any department of the Government to be Inspector of Auxiliary Classes and may define the duties and powers of the Inspector. R.S.O. 1927, c. 324, s. 11.

Apportion-  
ment of  
grant.

**12.** Subject to the regulations the Minister shall annually apportion among auxiliary classes all sums of money appropriated as a special grant therefor. R.S.O. 1927, c. 324, s. 12.



## CHAPTER 359.

## The Continuation Schools Act.

## 1. In this Act,—

Interpretation.

- (a) "Continuation school section" shall mean the municipalities and parts of municipalities over which a continuation school board has jurisdiction; "Continuation school section."
- (b) "County pupils" shall mean pupils who reside or whose parents or guardians reside in the county but not within a town, village or school section in which a grade A or grade B continuation school is established but shall not include resident pupils; 1937, c. 68, s. 6 (3) *part*. "County pupils."
- (c) "Maintenance" shall include repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers, officers and other employees; 1937, c. 68, s. 6 (1). "Maintenance."
- (d) "Minister" shall mean Minister of Education; "Minister."
- (e) "Municipality" shall include a city, town, village or township, but not a county; R.S.O. 1927, c. 325, s. 1, cls. (b, c). "Municipality."
- (f) "Permanent improvements" shall include the purchase or rental of a residence for a teacher or of a school site, the erection or rental of a schoolhouse, the enlargement of both or either of them, the erection of "Permanent improvements."

outhouses and gymnasium and other buildings or fixtures to be used for the purpose of carrying on such school activities as are specified or permitted by the regulations, the purchase of school furniture, maps and apparatus, library and all other appliances required by the regulations; R.S.O. 1927, c. 325, s. 1, cl. (d); 1929, c. 84, s. 5; 1937, c. 68, s. 6 (2).

"Regulations."

Rev. Stat.,  
c. 356.

(g) "Regulations" shall mean regulations made by the Minister under *The Department of Education Act*; R.S.O. 1927, c. 325, s. 1, cl. (e).

"Resident pupils."

(h) "Resident pupils" shall mean pupils who reside within a grade A or a grade B continuation school section, or who are assessed or whose parents or guardians are assessed within the section for an amount equal to the average assessment of the ratepayers therein; and shall include a pupil who resides or whose parents or guardians reside in a grade A or grade B continuation school section who attends any grade A or grade B continuation school, or high school, situated in a municipality within the county, or a grade A or grade B continuation school or high school in a city or separated town or adjacent county, which is open to county pupils from the county in which he resides when such grade A or grade B continuation school or high school,—

(i) is reasonably accessible to such pupil while the grade A or grade B continuation school in the section in which he resides is not thus accessible, or

(ii) provides for such pupil a course of study which is not offered in the school in his own section,

and in case of dispute as to liability of the continuation school section to pay the cost of education of any such pupil the matter shall be determined by the judge in a manner similar to that provided for in the case of an application to the judge under section 36 of *The High Schools Act*. 1937, c. 68, s. 6 (3), *part*.

Rev. Stat.,  
c. 360.

Classifica-  
tion of  
continua-  
tion schools.

**2.** Subject to the approval of the Lieutenant-Governor in Council the Minister may classify continuation schools into grades A, B and C and for such purpose may make regulations prescribing the requirements of schools in each of such grades. 1937, c. 68, s. 7.

Establish-  
ment of  
schools.

**3.**—(1) Subject to the regulations and to the approval of the Minister the public school board of any municipality or

school section or a separate school board may establish and maintain one continuation school with a staff of at least one teacher engaged for his whole time.

(2) The board shall have in respect of such continuation school all the powers conferred on public or separate school boards as to acquiring a school site, erecting buildings and additions to existing buildings, and providing equipment for and paying the cost of permanent improvements, and of the maintenance of such continuation schools.

Powers of board.

(3) Subject to the regulations and to the approval of the Minister, agreements may be entered into by two or more public school boards or by one or more of such boards and one or more separate school boards for the establishment and maintenance of a continuation school to be conducted in some place agreed upon by the boards for the benefit of the pupils from all of such schools, and any such agreement shall specify the proportion of the cost of the establishment and maintenance of the continuation school to be paid by each of such boards or shall provide for the manner in which such proportion shall be determined.

Agreements between boards for joint maintenance and establishment.

(4) A continuation school established under subsection 3 shall be under the control and management of a committee composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively.

Management of continuation school under committee.

(5) The committee shall be a body corporate and shall be styled "The Board of Trustees of the Continuation School of the" (naming the municipality or school section or sections).

Committee to be a body corporate.

(6) Where the board of a union school section establishes or enters into an agreement with any other board for the establishment of a continuation school, the council of each municipality included, or part of which is included in the union school section, shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining such continuation school according to the equalized assessment as provided by *The Public Schools Act* of the part of the union school section comprised in the municipality. R.S.O. 1927, c. 325, s. 2 (1-6).

Apportionment of cost in union school sections.

(7) For the purposes of subsections 1 and 2 of section 112 of *The Public Schools Act*, a grade C continuation school established by one or more public school boards shall be deemed a public school, but in no case shall the township council or councils be required to levy a rate thereunder for grants towards the salaries of more than one principal and two assistant teachers

Township levy and teachers' salaries.

Rev. Stat., c. 357.

in any grade C continuation school. 1932, c. 42, s. 15 (1), *part*; 1937, c. 68, s. 8.

Levy for  
school  
established  
by separate  
school  
board.

(8) Where a continuation school is established by one or more separate school boards, the amount to be levied shall be levied upon the supporters of separate schools established by such board or boards. 1932, c. 42, s. 15 (1), *part*.

County  
representa-  
tive for  
school  
board.

(9) Where a continuation school district lies wholly within a county, the council of the county shall have the right to appoint one member to the board of trustees which has the control and management of the continuation school, and where the continuation school district comprises parts of more than one county the council of each county shall have the right to appoint one member to the said board, and any or all of such additional members may reside in the county or counties to represent which he or they are appointed outside the continuation school district and such trustees shall hold office for two years and until their successors have been duly appointed and shall have all the duties, rights, powers and privileges of other members of the board in all matters relating to continuation schools.

County  
representa-  
tive not to  
vote on  
public  
school  
matters.

(10) A member of a board of a continuation school who is appointed by the county council shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public school or schools which are under the control and management of such board. 1932, c. 42, s. 15 (2).

Providing  
money  
required  
for main-  
tenance.

4.—(1) All sums required to be provided for the support of a continuation school established under section 3 after deducting from the expenditures the legislative and county and other municipal grants, shall be provided for by a rate levied,—

- (a) where the school is established by the board of an urban municipality or of a public school section, or by the board of an urban municipality and one or more public school sections, or by the boards of two or more public school sections, on the property liable to assessment and taxation for public school purposes in such municipality or school section or sections;
- (b) where the school is established by the board of one or more separate schools, on the property liable to assessment and taxation for separate school purposes;
- (c) where the school is established by one or more public school boards and one or more separate school boards, on the property liable to assessment and taxation for public school purposes in the municipality or section or sections and on the property liable to assessment



and taxation for separate school purposes, in the proportions fixed by or under the agreement for the establishment of the school. R.S.O. 1927, c. 325, s. 3.

(2) The board having jurisdiction over a continuation school shall prepare and submit to the municipal council or councils liable under this Act on or before such time as the council may prescribe, estimates for the current year of all sums required to be provided by the council to meet expenditures for such continuation school, and such estimates shall be separate from those relating to public or separate schools and shall show the amount of any surplus or deficit remaining at the end of the preceding year, and the revenues estimated to be derived from legislative grants, any county or other municipality, fees, and from all other sources. 1933, c. 58, s. 19.

Estimates,—  
to be sub-  
mitted to  
municipal  
council.

5.—(1) No fees shall be payable by or in respect of a pupil attending a continuation school who is,—

Certain  
pupils not  
liable for  
fees.

(a) a pupil who resides or whose parent or guardian resides, or is assessed for an amount equal to the average assessment of the ratepayers in the municipality or school section by the board of which the school is established;

(b) a pupil whose cost of education is payable under the provisions of section 8 either as a county pupil or otherwise. 1933, c. 58, s. 20 (1).

(2) Pupils other than those mentioned in subsection 1 shall pay such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in the continuation school.

Fees of  
continua-  
tion school  
pupils.

(3) The board of any other public or separate school may agree with the board by which the continuation school is established or the board of the continuation school, as the case may be, for the payment by such first mentioned board of a lump or other annual sum in lieu of the fees payable under subsection 2.

Payment of  
lump sum  
in lieu of  
fees.

(4) The council of a county or of any municipality may enter into an agreement with the continuation school board of any other municipality for the payment of the whole or part of any fees imposed on non-resident pupils attending a continuation school under the control of the board of such municipality, and all agreements heretofore made by the council of a county or of any municipality for such purpose and all payments heretofore made under agreements or otherwise, are hereby validated and confirmed and declared to have been legally made. R.S.O. 1927, c. 325, s. 4 (2-4).

Agreements  
between  
council  
and con-  
tinuation  
school  
board  
validated.

Attendance  
at continua-  
tion school.

(5) Notwithstanding the provisions of subsection 1 no pupil who having completed the fourth form course in a public or separate school has attended any other school or schools for six years shall after the expiration of such six years be entitled to attend a continuation school except upon payment of such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in such continuation school. 1933, c. 58, s. 20 (2).

Agreements  
for support  
of continua-  
tion school  
by adjoining  
sections.

**6.**—(1) Subject to the regulations and to the approval of the Minister, the board of any urban municipality or school section by which a continuation school is established and the board of any adjacent urban municipality or school section may enter into an agreement for the support of such continuation school by the payment of an annual fixed sum or of a proportion of the cost of establishing and maintaining such school by any or all of the boards parties to such agreement, but such agreement shall provide for the establishment and maintenance of the continuation school by and under the control of the board of the municipality or section in which the school is situate.

Agreements  
validated.

(2) Any such agreement heretofore entered into and which may be approved by the Minister shall be valid and binding.

Directions  
by Minister.

(3) The Minister may give such directions as he may deem proper for carrying out the true intent and meaning of the agreement and providing for any matter arising out of the agreement and not expressly dealt with therein.

Pupils from  
adjoining  
sections to  
be county  
pupils.

(4) Pupils attending the school from any municipality or school section other than the municipality or school section in which the school is established shall for the purposes of this Act be deemed county pupils.

Contribu-  
tory sec-  
tions to  
provide  
for funds.

(5) Where the board of any school section or of any municipality has entered into an agreement under this section to contribute to the cost of establishing and maintaining a continuation school in any other school section or municipality, it shall be the duty of the contributing board to include in its annual estimates the amount required for that purpose and the same shall be assessed, levied and collected upon the property liable to taxation for public school purposes in the contributing school section or municipality. R.S.O. 1927, c. 325, s. 5.

Where con-  
tinuation  
schools not  
to be estab-  
lished.  
Rev. Stat.,  
c. 360.

**7.** A continuation school shall not be established or maintained in any part of a high school district established in accordance with the provisions of section 6 of *The High Schools Act*, nor shall such school be established or maintained in a city

or separated town in which a high school has been established in accordance with the provisions of section 7 of the same Act. 1930, c. 63, s. 12.

8.—(1) The cost of education of county pupils attending grade A and grade B continuation schools shall be paid by the county council to the continuation school boards concerned and shall be charged, levied and collected in the manner provided in sections 35, 36, 37 and 38 of *The High Schools Act*. 1936, c. 55, s. 4, *part*. Cost of education of county pupils. Rev. Stat., c. 360.

(2) All legislative and county grants to grade C continuation schools shall be made in the same manner as grants to fifth classes under *The Public Schools Act* and regulations. 1936, c. 55, s. 4, *part*; 1937, c. 68, s. 9. Grants to grade C schools. Rev. Stat., c. 357.

(3) Notwithstanding the provisions of subsection 1, where in any year the total cost of education per pupil of the county pupils attending grade A and grade B continuation schools has exceeded \$100 per county pupil, as ascertained under sections 35, 36, 37 and 38 of *The High Schools Act*, the council of the county may, from any amount payable by it in respect of such county pupils, deduct a sum equal to one-half the amount by which the cost exceeded \$100 for each such county pupil. 1936, c. 55, s. 4, *part*. Where cost of education of county pupils exceeds \$100 per pupil. Rev. Stat., c. 360.

9.—(1) The council of the county may contribute such further sum as it may deem expedient towards permanent improvements or to the maintenance of continuation schools situate in the county, but any sum so contributed, except as provided by subsection 2, shall be apportioned among all such continuation schools in proportion to the amount which the council is required to contribute to their support. Additional contribution by county council.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the continuation schools in the county without making a similar provision for the other continuation schools therein. R.S.O. 1927, c. 325, s. 8 (1, 2). May be for aid to some only of the schools.

(3) The council of united counties may apportion the amount to be levied for continuation schools so that each county in the union shall be liable only for sums payable in respect to continuation schools situate therein, but in such case each of the counties shall pay for the maintenance of pupils residing therein who attend any continuation school situate in any other of the counties. R.S.O. 1927, c. 325, s. 8 (3); 1933, c. 58, s. 22. Apportionment between counties in a union.

(4) Where agricultural training is provided for, in accordance with the regulations, in a continuation school, the council Agricultural training in continuation schools.

of the county in which the continuation school is situate may, on or before the 15th day of December in each year, pay to the board of the school in which such training is so provided such sums as it may deem expedient, which shall be applied by the board to the purposes of such training.

Apportionment with schools situate in municipality or section forming part of two or more counties. Rev. Stat., c. 357.

(5) Where the continuation school is situate in an urban municipality or in a union school section, parts of which are in two or more counties, the amount payable under subsections 1 and 4 by the corporation of each county shall be determined in the manner provided by section 40 of *The Public Schools Act*. R.S.O. 1927, c. 325 s. 8 (4, 5).

Right of exemption of contributing municipalities.

**10.** Where a municipality is called upon to pay a part of the cost of education of county pupils under section 8, all parts of such municipalities as shall be included in the continuation school section shall be exempt from paying any part of such cost paid by the municipality except such portion of such cost, if any, as shall be incurred in connection with pupils whose parents or guardians reside within such exempted section. R.S.O. 1927, c. 325, s. 9.

Admission of pupils.

**11.** Pupils whether resident or non-resident may be admitted to a continuation school in accordance with the regulations governing the admission of pupils to high schools. R.S.O. 1927, c. 325, s. 10.

Qualification of teachers.

**12.** Every teacher appointed as principal or assistant in a continuation school shall possess the qualifications prescribed by the regulations. R.S.O. 1927, c. 325, s. 11.

Courses of study.

**13.** The courses of study in continuation schools shall be such as are prescribed by the regulations. R.S.O. 1927, c. 325, s. 12.

When continuation school becomes high school. 1909, c. 90.

**14.—(1)** Every continuation school which has been established under the provisions of Part II of *The Continuation Schools Act*, passed in the ninth year of the reign of His late Majesty King Edward the Seventh, chaptered 90, shall be deemed to have been on and after the 1st day of July, 1913, and shall be a high school and, except as hereinafter expressly provided, shall be subject to the provisions of *The High Schools Act*.

Rev. Stat., c. 360.

Term of office of existing trustees.

(2) The trustees of a continuation school holding office at the time it became a high school under the provisions of subsection 1 shall be deemed to have been the trustees of it until trustees were appointed under the provisions of *The High Schools Act* and the new board was organized.



(3) The principal of a continuation school at the time it became a high school under this section shall, subject to the approval of the Minister, be qualified to continue to be the principal of such school. R.S.O. 1927, c. 325, s. 13.

When principal may continue as principal of high school.

**15.** Such of the provisions of *The Public Schools Act* in the case of a continuation school under the jurisdiction of a public school board as are applicable and are not inconsistent with this Act, shall be read as part of this Act. 1932, c. 42, s. 16.

Application of Rev. Stat., c. 357.

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## CHAPTER 360.

## The High Schools Act.

Interpreta-  
tion.**1.**—(1) In this Act,—

“Board.”

(a) “Board” shall mean board of high school trustees;

“County  
judge” and  
“judge.”

(b) “County judge” and “judge” shall mean the senior judge of the county or district court of the county or district in which the high school is or is to be situate, or, if he is a member of the high school board or is unable to act or is disqualified, shall mean the junior judge of the county or district court, or if he is a member of the board or is unable to act or is disqualified, shall mean the judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census; R.S.O. 1927, c. 326, s. 1 (1), cls. (a, b).

“County  
pupils.”

(c) “County pupils” shall mean pupils who reside or whose parents or guardians reside in the county but not within the limits of a high school district, but shall not include resident pupils; 1937, c. 68, s. 11 (I).

“Depart-  
ment.”

(d) “Department” shall mean Department of Education;

“High  
school.”

(e) “High school” shall include a collegiate institute;

“High  
school  
district.”

(f) “High school district” shall mean the municipalities and parts of municipalities over which a board has jurisdiction; R.S.O. 1927, c. 326, s. 1 (1), cls. (d-f).

“Main-  
tenance.”

(g) “Maintenance” shall include repairs to the teacher’s residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher’s residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by

the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers, officers and other employees; 1936, c. 55, s. 6; 1937, c. 68, s. 11 (2).

- (h) "Minister" shall mean Minister of Education; "Minister."
- (i) "Municipality" shall include a city, town, village or township but not a county; "Municipality."
- (j) "Non-resident pupils" shall mean pupils other than county pupils and resident pupils as herein defined; "Non-resident pupils."  
R.S.O. 1927, c. 326, s. 1 (1), cls. (h-j).
- (k) "Permanent improvements" shall include the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a schoolhouse, the enlargement of both or either of them, the erection of outhouses and gymnasium, and other buildings or fixtures to be used for the purpose of carrying on such school activities as are specified or permitted by the regulations, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the regulations; R.S.O. 1927, c. 326, s. 1 (1), cl. (k); 1929, c. 84, s. 7; 1937, c. 68, s. 11 (3). "Permanent improvements."
- (l) "Regulations" shall mean regulations made by the Minister under *The Department of Education Act*; R.S.O. 1927, c. 326, s. 1 (1), cl. (l). "Regulations."  
Rev. Stat., c. 356.
- (m) "Resident pupils" shall mean pupils whose usual place of abode is within the high school district, or who are assessed or whose parents or guardians are assessed within the district for an amount equal to the average assessment of the ratepayers therein and shall include a pupil who resides or whose parents or guardians reside in a high school district who attends any high school or grade A or grade B continuation school situated in a municipality within the county, or a high school or grade A or grade B continuation school in a city or separated town or adjacent county which is open to county pupils from the county in which he resides when such high school or grade A or grade B continuation school,— "Resident pupils."
- (i) is reasonably accessible to such pupil while the high school in the district in which he resides is not thus accessible, or
- (ii) provides for such pupil a course of study which is not offered in the school in his own district,

and in case of dispute as to liability of the high school district to pay the cost of education of any such pupil the matter shall be determined by the judge in a manner similar to that provided for in the case of an application to the judge under section 36; 1937, c. 68, s. 11 (4).

"Separated town."

(n) "Separated town" shall include a town separated for municipal purposes from the county in which it is situate, and a town in territory without county organization;

"Urban municipality."

(o) "Urban municipality" shall mean a city, town or village. R.S.O. 1927, c. 326, s. 1 (1), cls. (n, o).

References to population.

(2) Where reference is made to the population of a municipality or other locality or to a number of inhabitants or rate-payers the same shall be determined by the last enumeration by the assessor.

Certificate of clerk to be final.

(3) The certificate of the clerk of the municipality with respect to such population or number shall be final and conclusive. R.S.O. 1927, c. 326, s. 1 (2, 3).

#### HIGH SCHOOL CORPORATIONS.

Trustees to be a corporation.

**2.—**(1) The trustees of every high school district shall be a corporation by the name of "The High School Board of " or "The Collegiate Institute Board of " as the case may be, adding the name of the municipality within which the high school or collegiate institute is situate.

Term of office.

(2) The trustees of every high school district shall hold office until their successors are appointed and the new board is organized. R.S.O. 1927, c. 326, s. 2.

#### HIGH SCHOOL DISTRICTS.

Existing high school districts confirmed.

**3.** Whenever a high school district has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such district and notice thereof has been given to the persons who ought, according to the practice of the court in which the proceedings are taken, to be served with notice thereof, and such proceedings result in its being determined that such district has not been legally formed. R.S.O. 1927, c. 326, s. 3.



4. The county council may on the petition of any municipal council detach the municipality or any part thereof from any district formed by by-law of the county council, but any change made in the boundaries of a district shall not relieve the taxable property of the district or any part thereof from the rates imposed for the payment of debentures or from any other debts incurred before such change. R.S.O. 1927, c. 326, s. 4.

Lands not relieved from rates.

5.—(1) The council of any county on the petition of two-thirds of the ratepayers of any municipality or part thereof not separated from such county and contiguous to any high school district or village or to a town in such county, may by by-law unite such municipality or part thereof to such district, village or town for high school purposes, and the union shall take effect on the 1st day of January next following the expiration of six months after the passing of the by-law.

Unions of municipalities or portions thereof for high school purposes.

(2) The county council on the petition of two-thirds of the ratepayers of any municipality or part thereof united to any such district, village or town may by by-law dissolve the union; but no such by-law shall come into operation until the 1st day of January next following the expiration of six months after the passing thereof, nor relieve the municipality or any part thereof from any rates imposed for the payment of debentures nor from any other debts incurred while such union existed, but no action that a county council may hereafter take shall alter the boundaries of the district of a high school, as empowered in section 14 of *The Continuation Schools Act*, so as to take from the area liable to assessment any property that was in the district when it was established as a continuation school district, before the expiration of five years from the date of the passing of this Act.

Dissolution of union.

Rev. Stat., c. 359.

(3) Where two municipalities become united all the assets of the boards of both municipalities shall forthwith be vested in, and all the liabilities of such boards shall forthwith become liabilities of, the board of the united municipality.

Assets vested in board of united municipality.

(4) The council of any county, with the approval of the Lieutenant-Governor in Council, may by by-law discontinue the high school districts within the county and establish a high school district to be comprised of the whole of the county and such by-law shall take effect on the 1st day of January next following the expiration of six months after the passing of the by-law. R.S.O. 1927, c. 326, s. 5.

Authority to establish a high school district comprising whole county.

#### NEW HIGH SCHOOLS.

6.—(1) On or before the 1st day of July in any year the council of a county subject to the approval of the Minister first

Establishment and discontinuance of high schools.

being obtained, may pass by-laws for the establishment of a new high school district,—

- (a) for a municipality or municipalities or for part of a municipality or municipalities not separated from the county and the council of any county may in like manner, with the approval of the Lieutenant-Governor in Council, discontinue at the end of the current calendar year any high school district already established;
- (b) for two or more townships or parts of townships within such county, if there are at least three thousand inhabitants within the proposed district, and if at least two-thirds of the ratepayers of each of such townships or parts of townships petition for such high school district;
- (c) in a village in such county or in a town therein not separated from the county, including within the proposed district the village or town and the whole or a part of any municipality or municipalities in such county contiguous to such village or town, if the whole of such proposed district contains at least three thousand inhabitants, and if two-thirds of the ratepayers in each municipality or part of a municipality to be included in such district sign a petition for such high school district;
- (d) for a portion of a township adjacent to a city having a population of at least 50,000, if there are at least 2,000 inhabitants within the proposed district and the council of the township petition for such high school district. R.S.O. 1927, c. 326, s. 6 (1); 1935, c. 64, s. 4; 1936, c. 55, s. 7 (1).

Calling first  
meeting of  
new board.

- (2) The clerk of the municipality shall call the first meeting of a newly organized high school board. 1930, c. 63, s. 14 (1).

Location  
of school.

- (3) In the case provided for by clause *b* of subsection 1 the high school shall be located at such place as is named in the petition. R.S.O. 1927, c. 326, s. 6 (2).

High school  
district in  
territorial  
district.

- (4) Subject to the approval of the Minister first being obtained, the council of any municipality or the councils of two or more municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a high school district. 1936, c. 55, s. 7 (2).

Establish-  
ment of one  
or more high  
schools in  
high school  
district.

- (5) The board of trustees of a high school district established under subsection 1 may establish a high school and, with the approval of the Minister, such additional high schools as

the trustees may deem necessary and, subject to the provisions of section 43, may provide for the location, erection, maintenance and management of the high school or schools so established. R.S.O. 1927, c. 326, s. 6 (5).

**7.**—(1) Every city and separated town is hereby established as a high school district, and a high school shall be established in every such high school district. 1933, c. 58, s. 23. Establishment of high school districts.

(2) Where a high school has been established in a city or separated town the board of high school trustees or board of education of the city or town may establish such additional high schools as it may deem necessary and, subject to the provisions of section 43, may provide for the location, erection, maintenance and management of the same. R.S.O. 1927, c. 326, s. 7 (2). Additional schools.

#### COURSES OF STUDY.

**8.**—(1) The courses of study shall be those prescribed by the regulations. Course of instruction.

(2) Any high school which complies with the regulations with respect to collegiate institutes may be raised to the rank of a collegiate institute by the Minister. Collegiate institutes.

(3) The Lieutenant-Governor in Council may, upon the report of the Minister, reduce a collegiate institute to the rank of a high school. R.S.O. 1927, c. 326, s. 8. Reducing collegiate institutes.

**9.**—(1) A board may establish classes in military instruction, appoint a qualified drill instructor and provide uniforms for such classes. R.S.O. 1927, c. 326, s. 9 (1). Military instruction.

(2) A board may annually vote for each high school within its jurisdiction a sum not exceeding \$150 in the case of a school having an enrolment of not more than six hundred pupils, and a sum equal to an amount not exceeding twenty-five cents per pupil in the case of a school having an enrolment of more than six hundred pupils, for the encouragement of athletics and to defray the expenses of school games. 1937, c. 68, s. 12. Grants for athletics.

**10.** A high school board, a public school board and a continuation school board, or any one or more of such boards may engage the services of any person holding the degree of Bachelor of the Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved by the Minister to give instruction in agriculture to the pupils of their respective schools, and the instructor shall perform such duties and the funds set apart for instruction in agriculture shall be expended for such purposes as may be prescribed by the regulations. R.S.O. 1927, c. 326, s. 10. Instruction in agriculture.

## TRUSTEES.

Qualification  
of trustees.

**11.**—(1) Any ratepayer who is a British subject, has attained the age of twenty-one years, resides in the high school district, or in the county or municipality in the case of a county or of a district municipality appointment, and who is not a member or officer of a municipal council or otherwise disqualified, shall be qualified to be a high school trustee. R.S.O. 1927, c. 326, s. 11; 1937, c. 68, s. 13 (1).

Trustee,—  
not eligible  
where taxes  
unpaid.

(2) A person shall not be eligible to be elected or appointed as a trustee or to sit or vote as a member of the board if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which such person qualifies, are overdue or unpaid at the time of the nomination or appointment; provided that the provisions of this clause shall not apply where such person is a tenant of such property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property. 1936, c. 55, s. 8; 1937, c. 68, s. 13 (2).

Number of  
trustees.

**12.** Every high school board shall consist of at least six trustees. R.S.O. 1927, c. 326, s. 12.

Appoint-  
ment of  
trustees.

**13.**—(1) In the case of a high school situate in a municipality of the county not being a city or a separated town, three of such trustees shall be appointed by the county council, two of whom may reside in the county outside the district, and additional trustees shall be appointed as follows,—

- (a) where the district comprises one municipality the council thereof shall appoint three additional trustees;
- (b) where the district comprises two municipalities each council shall appoint two additional trustees; and
- (c) where a district comprises more than two municipalities each council shall appoint one additional trustee.

What may  
be deemed  
a municipi-  
pality.

(2) A part of a municipality which is assessed for at least \$50,000 shall be deemed a municipality for the purposes of this section.

Annual re-  
tirement of  
trustees.

(3) One of the trustees appointed by the county council and one trustee appointed by each other council shall retire each year. R.S.O. 1927, c. 326, s. 13.

Where dis-  
trict com-  
posed of  
county.

**14.** Where a high school district comprises the whole of a county the county council shall appoint six trustees, two of whom shall retire each year. R.S.O. 1927, c. 326, s. 14.



**15.**—(1) In a city and in a separated town the council shall appoint six trustees, and the trustees so appointed shall, with such additional trustees as are authorized by this Act, form the board. Trustees in cities and separated towns.

(2) The council shall provide for the annual retirement of two of the trustees appointed by them so as to secure a complete rotation every three years. Retirement by rotation. R.S.O. 1927, c. 326, s. 15.

**16.**—(1) Where a high school district is established under the authority of subsection 4 of section 6 for one municipality, or part thereof, in a territorial district, the high school board shall, in the case of a township, be composed of six trustees who shall be appointed by the council, and, in the case of an urban municipality, of the same number elected in the same manner as in the case of a city. Composition of board in township and urban municipality.

(2) Where a high school district is established under the authority of subsection 4 of section 6 for two or more municipalities or parts thereof, in a territorial district, the high school board shall be composed of six trustees to be appointed in equal numbers by the councils of such municipalities, provided that if either or any of such municipalities is an urban municipality, the public school board or boards and the separate school board or boards of such urban municipality or municipalities may appoint an additional member of the high school board as in the case of a city, such appointments being made in alternate years by the public school board and by the separate school board where more than one urban municipality forms part of the high school district. In district composed of two or more municipalities.

(3) The members of a high school board appointed by a council or councils pursuant to this section, shall hold office for a term of three years and shall be so appointed as to secure a complete rotation every three years, and where such appointments are to be made by two or more councils they shall at the time the high school district is established agree upon the method to be adopted to secure such rotation, failing which the Minister shall determine the method. Appointments. 1936, c. 55, s. 9.

**17.**—(1) Where the board of a high school situate in a city or in a separated town notifies the county clerk that the high school is open to county pupils on the same terms as high schools in municipalities not separated from the county, the county council may, from time to time, appoint three additional trustees as provided by subsection 1 of section 13, for such high school so long as the school is open to county pupils on such terms, and such high school shall for all the purposes of this Act be considered a county high school. Admission of county pupils to city or town school.

Admission  
of non-resi-  
dent pupils  
in un-  
organized  
territory.

(2) The board of a high school situated in a city, town or village in a district without county organization may, by resolution, provide that the pupils of any municipality in such district shall have the right to attend such high school on the same terms as the pupils living in the city, town or village in which the high school is situate on the condition that the council of such municipality pay to such high school board the cost *pro rata* of the maintenance of such high school according to the number of pupils in attendance thereat from such municipality.

Election of  
trustee by  
municipal-  
ity.

(3) The council of any municipality in respect to which a resolution has been passed by a high school board under subsection 2 may by by-law provide for the raising of the necessary money and the payment of the same to such high school board in accordance with the resolution, and thereupon the council shall be entitled to appoint a person qualified as provided under section 11 as a trustee to the board in addition to the other members of the board provided for by this Act.

Term of  
office of  
trustee.

(4) A trustee appointed under subsection 3 shall hold office for three years and until his successor has been duly appointed, and shall have all the rights, powers and privileges of other members of the board with the exception that he shall not be entitled to vote on any matter relating to capital expenditure for land, buildings or permanent improvements not contributed to by the municipality appointing him. R.S.O. 1927, c. 326, s. 16.

Order of re-  
tirement of  
trustees.

**18.** The council which has the power and duty of appointing high school trustees shall provide for the order of their retirement. R.S.O. 1927, c. 326, s. 17.

Separate  
school board  
to appoint  
a trustee.

**19.** The board of separate school trustees of a city, town or village in which a high school is situate may appoint to the board one trustee who shall not be a member of the separate school board and who shall hold office for one year. R.S.O. 1927, c. 326, s. 18.

Appointment  
by public  
school  
trustees in  
urban muni-  
cipalities.

**20.** Except in the case of a board of education the public school board of every urban municipality and the board of a union public school section which includes an urban municipality may appoint one trustee who is a ratepayer of the urban municipality or of the union public school section, as the case may be, and who is not a member of the public school board to the high school board of such urban municipality, and he shall hold office for one year. R.S.O. 1927, c. 326, s. 19; 1937, c. 68, s. 14.

**21.**—(1) Vacancies arising from the annual retirement of trustees shall be filled by the appointing body at its first meeting in each year after being organized. Vacancies caused by annual retirement.

(2) Vacancies arising from death, resignation, removal from the high school district or county or otherwise shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant. Vacancies from other causes.

(3) Where a separated town is reunited to the county the two trustees whose term of office shall first expire and one of the trustees whose term of office shall next expire, to be selected by lot, shall retire as soon as the county council has appointed three trustees, and the remaining three trustees together with three trustees to be appointed by the county council shall then constitute the board of the high school district. R.S.O. 1927, c. 326, s. 20. Where separated town is reunited to county.

#### MEETINGS OF BOARD.

**22.**—(1) Unless all the members of the new board have been appointed and a date for the first meeting has been decided upon by the old board, the first meeting of the board in each year shall be held at the hour of seven o'clock in the evening of the first Wednesday in February or at such other hour of the same day as may have been determined by resolution of the former board. First meeting of board.

(2) At the first meeting in each year of every board and whenever the office of chairman becomes vacant then at the first meeting of the board after the vacancy occurs the members shall elect one of their number to be chairman. Election of chairman.

(3) The members of the board may also elect one of their number to be vice-chairman, and he shall preside in the absence of the chairman. Vice-chairman.

(4) If at any meeting there is no chairman or vice-chairman present the members present may elect a chairman for that meeting. Chairman pro tem.

(5) At the first meeting and as often as a vacancy occurs the board shall also elect a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board. Secretary and treasurer.

(6) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting. Secretary pro tem.

(7) The presence of a majority of all the members constituting the board shall be necessary to form a quorum. Quorum.

Chairman at first meeting.

(8) The secretary or secretary-treasurer shall preside at the first meeting until the chairman is elected, or if there is no secretary or secretary-treasurer then such member of the board shall preside as may be elected for that purpose.

Equality of votes on the election of chairman.

(9) In case of an equality of votes at the election of chairman the trustee who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

In other cases.

(10) The presiding officer may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to have been negatived. R.S.O. 1927, c. 326, s. 21.

#### SECURITY OF TREASURER AND SECRETARY-TREASURER.

Security to be given by treasurer and secretary-treasurer.

**23.**—(1) Every treasurer and every secretary-treasurer shall give security for the due and faithful performance of his duties and shall submit his accounts to the auditors of the municipality in which the high school is situate.

Audit.

(2) It shall be the duty of the auditors to audit such accounts in the same way as the municipal treasurer's accounts are audited. R.S.O. 1927, c. 326, s. 22.

#### DUTIES OF BOARD.

Duties of trustees.

**24.** It shall be the duty of every board and it shall have power,—

Fix meetings of board.

(a) to fix the times and places for the meetings of the board and the mode of calling and conducting them, and to see that a full and correct account is kept of the proceedings thereat;

Conduct of school.

(b) to see that the school is conducted according to this Act and the regulations;

Accommodation for pupils.

(c) to provide adequate accommodation according to the regulations for all pupils, and in its discretion establish summer or vocational schools; R.S.O. 1927, c. 326, s. 23, cls. (a-c).

Operation of play-grounds.

(d) if deemed expedient, to provide and maintain such equipment as may be deemed advisable and to operate the playground as a park or playground and rink during the school term or in vacation or both, and to provide such supervision as the board may deem proper, provided the proper conduct of the school is not interfered with;



- (e) if deemed expedient, to organize and carry on gymnasium classes in the school building for pupils or others during the school term or in vacation or both, and to provide supervision and training for such classes, provided the proper conduct of the school is not interfered with; 1931, c. 71, s. 9. Organization and operation of gymnasium.
- (f) to take charge of the school, to keep the school buildings and premises in proper repair, to provide suitable furniture and equipment and to protect the property of the board; Charge of high school.
- (g) subject to the provisions of this Act, to fix the amount to be paid by parents and guardians for each pupil attending the school, and the times of payment and, when necessary, to enforce payment thereof; R.S.O. 1927, c. 326, s. 23, cls. (d, e). Collection of fees for tuition.
- (h) to provide, where the board deems it expedient, for the transportation of resident pupils attending high school and to enter into an agreement for that purpose with any municipal corporation or commission, or with any other person authorized so to do for granting special rates or making other arrangements for the transportation of such pupils on any street railway or by bus or otherwise and to pay for such transportation out of any funds available for the maintenance of the high school; R.S.O. 1927, c. 326, s. 23, cl. (f); 1929, c. 84, s. 9 (1). Transportation of pupils.
- (i) to appoint a secretary and a treasurer or a secretary-treasurer and such committees, officers and other employees as may be deemed expedient; 1936, c. 55, s. 10. Appointments.
- (j) to take proper security from the treasurer or secretary-treasurer; Security of treasurer or secretary-treasurer.
- (k) to give the necessary orders upon the treasurer for the payment of gratuities or retiring allowances of teachers and the salaries of the teachers and other officers and servants of the board, and of such other expenses for promoting the interests of the school as may be authorized by the board; R.S.O. 1927, c. 326, s. 23, cls. (g, h). Orders for salaries and expenses.
- (l) to prepare and submit to the municipal council or councils liable under this Act on or before such times as the council may prescribe, estimates for the current year of all sums required to be provided by the council to meet expenditures for maintenance of the schools Estimates to be submitted to municipal council.

under the charge of the board during the current calendar year, and such estimates shall show the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources, and such estimates may include an additional sum not exceeding \$500 for any one school as may be deemed expedient for permanent improvements to be made during the same period; 1933, c. 58, s. 24; 1937, c. 68, s. 15.

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|--------------------------------------|---|
| Expulsion of pupils.                 | ( <i>m</i> ) to expel, on the report of the principal, any pupil whose conduct may be deemed injurious to the welfare of the school, and to exclude any pupil whose parents or guardians neglect or refuse to pay the fees of such pupil after reasonable notice; |
| Appointment and removal of teachers. | ( <i>n</i> ) to appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties; R.S.O. 1927, c. 326, s. 23, cls. ( <i>j</i> , <i>k</i> ).   |
| Life insurance.                      | ( <i>o</i> ) to contribute, as deemed expedient, towards providing life insurance for teachers and officers of the board; 1929, c. 84, s. 9 (2).  |
| Certify fees received.               | ( <i>p</i> ) to certify to the treasurer of the county on or before the 1st day of August in each year the amount of fees collected from county pupils for the next preceding calendar year;  |
| Annual report to Minister.           | ( <i>q</i> ) to prepare and transmit on or before the 15th day of January in each year to the Minister the annual report in accordance with forms provided by the Department. R.S.O. 1927, c. 326, s. 23, cls. ( <i>l</i> , <i>m</i> ).                           |

**25.** The board may—

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|---|---|
| Purchase books and supplies, and furnish same free or collect fees for the use thereof. | ( <i>a</i> ) purchase for the use of any or all pupils textbooks and other school supplies, and either furnish the same to them free of charge or collect for the use thereof from such pupils or their parents or guardians a sum not exceeding twenty-five cents per month for each pupil to defray the cost thereof; R.S.O. 1927, c. 326, s. 24, cl. ( <i>a</i> ); 1934, c. 52, s. 10. |
| Penny Savings Bank.   | ( <i>b</i> ) provide books, stationery and other materials necessary in connection with the establishment and maintenance of a Penny Savings Bank, or any system introduced for the encouragement of thrift and the habit of saving;  |

- (c) provide and pay for such dental and medical inspection of the pupils as the regulations may prescribe, <sup>Dental and medical inspection.</sup> or in the absence of regulations, as the board may deem proper;
- (d) pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association or other like association of teachers or trustees in Ontario; R.S.O. 1927, c. 326, s. 24, cls. (b-d). <sup>Travelling expenses attending educational association.</sup>
- (e) if deemed expedient, pay the costs, or any part thereof, incurred by any member, teacher, officer or employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at any meeting of the board or of any committee thereof, relating to the employment, suspension or dismissal by the board of any person. 1936, c. 55, s. 11 (1). <sup>Costs of legal proceedings.</sup>

**26.**—(1) With the approval of the Minister, the board may arrange for the instruction at a high school, collegiate institute or vocational school in any other high school district in Ontario, of pupils who desire to take high or vocational school courses which are not provided by the board, and who are the children of ratepayers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses. <sup>Providing for scholars' attendance at other high schools.</sup> R.S.O. 1927, c. 326, s. 25; 1930, c. 63, s. 15.

(2) The provisions of subsection 1 shall apply in the case of a high school district for which no school has been established by the board. <sup>Where no school established.</sup>

(3) Where pursuant to the provisions of this section, the board of a high school district for which no school has been established has arranged for the instruction of all pupils resident in such high school district at a high school, collegiate institute or vocational school in any other high school district and is paying the fees of such pupils, there shall be paid by the county to the board which pays the said fees, the share of the cost of education of county pupils paid to the county during the preceding year by such high school district as included in the rates levied by the county council according to the relative equalized value. 1934, c. 52, s. 11. <sup>County rebates.</sup>

(4) The amount payable by the county to a board under the provisions of subsection 3 shall be paid by the county to the board within three months after the payment to the county by <sup>When amount payable by county.</sup>

the municipality in which the high school district is established, of the amount of the rates levied by the county council for the preceding year.

Disagree-  
ment  
between  
council and  
board.

(5) Where the council of the county and any board do not agree as to the liability of the county to pay such share for any year or the amount of such share, the liability shall be determined by the judge of the county court upon the application of either party.

Costs.

(6) The costs of the parties upon any such reference shall be in the discretion of the judge and he shall fix the amounts thereof and direct to whom and by whom and in what manner such costs shall be paid. 1936, c. 55, s. 12.

Supervising  
principal in  
urban muni-  
cipality.

**27.** Where there are more high schools than one in an urban municipality, the board may appoint a supervising principal having the qualifications of a high school principal who, subject to the regulations, shall perform such duties in connection with the high schools as may be assigned to him by the board. R.S.O. 1927, c. 326, s. 26.

#### PROPERTY VESTED IN BOARDS.

High school  
property  
vested in  
trustees.

**28.**—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the high school purposes of any locality, or which may hereafter be so granted, devised, acquired or vested shall be vested in the board having jurisdiction in such locality.

Power to  
sell or con-  
vey, etc.

(2) The board shall have full power to sell, convey, transfer or lease such property, or any part thereof, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes. R.S.O. 1927, c. 326, s. 27.

Power to  
sell site.

**29.** A board, with the approval of the municipal council or of a majority of the municipal councils having jurisdiction within the high school district, and of the Minister, may sell and transfer any site or other property vested in the board, and after making provision for all debts and liabilities of the board may apply the residue of the proceeds to any purpose that may be approved by the Minister, and thereupon the Lieutenant-Governor in Council may by proclamation declare the corporation dissolved. R.S.O. 1927, c. 326, s. 28.

Discontin-  
ing high  
school.  
Rev. Stat.,  
c. 359.

**30.** Where a high school has been established under this Act or a continuation school has been constituted a high school under section 14 of *The Continuation Schools Act*, the council



of the county in the case of a county high school or the council of the city or town in the case of a high school in a city or separated town may, with the approval of the Minister, discontinue such high school, and the property of the school so discontinued may be disposed of as provided by section 29. R.S.O. 1927, c. 326, s. 29.

## SCHOLARSHIPS.

**31.** Any person may, with the approval of the board, found a scholarship or prize. R.S.O. 1927, c. 326, s. 30. Establishment of scholarship.

**32.—**(1) A board may annually award five scholarships to the pupils of the public or separate schools situate within the high school district. Scholarships for public and separate school pupils.

(2) The number of such scholarships shall be fixed by the high school board which may award the same by competitive examinations or otherwise and may prescribe the tenure of such scholarships and provide for the expenses of holding examinations therefor. Number and mode of awarding.

(3) A scholarship shall be awarded only to a pupil who is a ratepayer or the child of a ratepayer in the municipality contributing to the maintenance of the high school. R.S.O. 1927, c. 326, s. 31. Who may receive.

**33.—**(1) A board may annually award free scholarships to the pupils on the results of form or other examinations. Free scholarships.

(2) The board may make such rules and regulations regarding such scholarships as it may deem expedient. R.S.O. 1927, c. 326, s. 32. Rules as to.

## PENSIONS.

**34.—**(1) The board may establish a pension fund for officers and employees, other than teachers and inspectors, or any class or classes thereof, entitled to annual pensions or superannuation allowances upon their retirement from office or employment with the board. Pension fund for officers and employees of board.

(2) Every pension fund so established shall provide for contributions thereto by officers and employees of the board and by the board itself upon such basis as may be requisite to ensure the actuarial soundness of the pension fund and every resolution for the establishment of a pension fund shall be subject to the approval of the Superintendent of Insurance for Ontario and shall make provision for the management of the fund and investments forming any part thereof and as to the contributions to and payments from the fund and otherwise Contributions by officers and employees.

as may be necessary, and for vesting such management in a board, hereinafter referred to as the "management board," constituted as set forth in the resolution.

Rights,  
privileges  
and  
liabilities.

(3) The rights, privileges, liabilities and responsibilities of every contributor to a pension fund so established shall be set forth in the resolution establishing the same and the rules and regulations prescribed by the management board.

Manage-  
ment  
board.

(4) The management board of a pension fund shall have such powers as are set forth in the resolution establishing the fund, and may make such rules and regulations for the management of the fund, and investments forming any part thereof, and respecting the rights, privileges, liabilities and responsibilities of the contributors to the fund as to the management board may from time to time appear necessary or expedient, but not so as to conflict with the resolution establishing the pension fund.

Contribu-  
tions by  
board.

(5) The board shall have the power to, and it shall annually provide such sum or sums in contribution to the pension fund as may be provided for in the resolution establishing the same.

Amendment  
of resolu-  
tion by  
board.

(6) Subject to the approval of the Superintendent of Insurance for Ontario being first obtained, any resolution establishing a pension fund may from time to time be amended by the board.

Investments.

(7) The board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund, or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. 1936, c. 55, s. 13.

Rev. Stat.,  
c. 165.

#### COUNTY GRANTS FOR MAINTENANCE OF HIGH SCHOOLS.

Cost of  
education of  
county  
pupils.

**35.**—(1) The cost of education of county pupils attending a high school or a grade A or grade B continuation school shall be provided and paid by the council of the county to the extent, according to the basis, in the manner and at the times set forth in this section and in sections 36, 37 and 38. 1936, c. 55, s. 14, *part*; 1937, c. 68, s. 17 (1).

Amount  
payable  
by county.

(2) The cost of education of county pupils to be paid by the council of the county may be ascertained either on the basis of the cost of the preceding calendar year or on the estimated cost for the current calendar year, and may be provided for accordingly.

When  
payable.

(3) Where in any year the cost is ascertained on the basis of the cost for the preceding calendar year, the amounts payable by the council of the county shall become due and be paid not later than the 1st day of July of such year and shall be

included in and levied and collected as part of the county rates for that year.

(4) Where the council of a county provides in its estimates for the current calendar year for the amounts of the estimated cost of education of county pupils in such year, the same shall be included in and levied and collected as part of the county rates for that year, and the council of the county may from time to time pay on account of such estimates and shall pay the full amount of the cost for such year when it is finally ascertained as provided in this Act, but not later than the 1st day of July of the succeeding year.

To be levied  
and collected  
as part of  
county rate.

(5) In any case where the council of a county has made payments on account of the cost of education of county pupils according to its estimates or otherwise and it is finally ascertained that the cost is either less or more than the sums of such payments, a final accounting and adjustment of such cost shall be made and the amount of the underpayment, if any, shall forthwith be paid by the council of the county or the amount of the overpayment, if any, shall forthwith be repaid to the council of the county by the board to which such overpayment was made or, at the option of the council of the county, may be deducted by it from any future payments due to such board in respect to the next succeeding year. 1936, c. 55, s. 14, *part*.

Final  
accounting  
and adjust-  
ment.

(6) Where the council of a county provides for the cost of education of county pupils according to the provisions of subsection 4, the board of every high school attended by county pupils from such county shall on or before such day in every year as the council of the county may by by-law prescribe, and not later than the 1st day of March, submit to the council an estimate of the cost of education of such county pupils for the current calendar year in such form and with such detail as to all revenues, expenditures, surpluses and deficits of the board and as to estimated attendance of all pupils and proof of residence of county pupils as the council of the county may by by-law prescribe. 1936, c. 55, s. 14, *part*; 1937, c. 68, s. 17 (2).

Where  
county pro-  
vides for  
cost under  
subs. 4.

**36.**—(1) Where county pupils are attending a high school or a grade A or grade B continuation school, in a high school district, or a continuation school section in which a grade A or a grade B continuation school is established and maintained for any municipality or municipalities or any portion thereof situate in and forming part of the county and not separated therefrom, the cost of education of such county pupils to be paid by the council of the county shall be calculated and ascertained in the following manner:

Cost of  
education  
of county  
pupils in  
high school  
district,—

how  
calculated.

- (a) First, the total gross current expenditures for the calendar year for maintenance of the school and for permanent improvements not exceeding \$500 for any one school for such year, and for meeting all payments falling due for such year for sinking fund or principal and interest upon any debentures issued in respect to such school, shall be ascertained;
- (b) Secondly, the total gross current revenues for the same calendar year from legislative grants, fees, rents, donations, other than for permanent improvements, and from all other sources except from taxation shall be ascertained;
- (c) Thirdly, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b* and in addition thereto there shall be deducted from the said total gross expenditures an amount equal to twenty per centum of that part of the expenditures for sinking fund or principal and interest upon debentures issued in respect to the school which have to be provided out of taxation, and the resultant amount ascertained after such deductions have been made shall be the net sum upon which the cost of education of the said county pupils shall be based and calculated;
- (d) Fourthly, the total number of days' attendance of all pupils at the said school during the next preceding calendar year shall be ascertained from the school register and such total number shall then be divided into the net sum ascertained as provided in clause *c*, and the resultant amount shall be the net cost per pupil-day of all such pupils;
- (e) Fifthly, the total number of days' attendance of all county pupils from the county at the said school during the same calendar year shall be ascertained from the school register and such total number shall then be multiplied by the amount of the net cost per pupil-day ascertained as provided in clause *d*, and the resultant sum shall be the amount of the net cost of education of the said county pupils for which the council of the county shall be liable and pay as provided for in section 35. 1936, c. 55, s. 14, *part*; 1937, c. 68, s. 18 (1).



(2) Where county pupils from a county are attending a high school in a city or town situate in such county, but separated therefrom for municipal purposes or are attending a high school in a municipality in an adjacent county, whether separated therefrom or not, and notice has been given by the board of such high school that such high school is open to such county pupils on the same terms as high schools in municipalities not separated from the county, the cost of education to be paid by the council of the county of which they are county pupils shall be calculated and ascertained in the same manner as is provided in subsection 1 except that in addition to the deductions to be made according to clause *c* of the said subsection, there shall also be deducted an amount equal to twenty per centum of that part of the expenditures for maintenance which has to be provided out of taxation. 1937, c. 68, s. 18 (2).

County pupils attending high school in city or town.

(3) Where the board of a high school district contiguous to a city or a separated town gives notice to the city clerk or the town clerk that such high school is open to city or town pupils on the same terms as it is open to resident pupils of the municipality in which the high school is situated, the cost of education to be paid by the council of the city or town shall be calculated and ascertained in the same manner as is provided in subsection 2. 1936, c. 55, s. 14, *part*.

Where high school of district open to pupils of contiguous city or town.

(4) Where the council of a county and the board of a high school attended by county pupils from such county are unable to agree upon the sum to be paid for the cost of education of such county pupils, the matter shall be referred to the judge of the county court for such county, who shall determine such sum. 1936, c. 55, s. 14, *part*; 1937, c. 68, s. 18 (3).

Where council and board disagree upon cost of education.

(5) Either the council of the county or the board may refer the matter to the judge and he shall give such directions as to the conduct, proceedings and hearing of the reference as he may see fit, and for the purpose of such reference there shall be filed with the judge such financial statements and balance sheets of the affairs of the board and such copies, extracts or information taken from the school register as to enrolment and attendance of all pupils and of the county pupils and as to the names and addresses of such county pupils and of their parents or guardians and such other statements, accounts, records, books and documents as to the judge may appear to be requisite fully and finally to ascertain the revenues and expenditures of the board, the days' attendance of all pupils and county pupils, to calculate and determine the net cost of education of county pupils and to fix the sum to be paid in respect thereto by the council of the county.

Reference to judge.

Costs of  
reference.

(6) The costs of any such reference to the judge shall be in his discretion and the amount thereof shall be fixed by him and he may order to and by whom and in what manner the same shall be paid. 1936, c. 55, s. 14, *part*.

Where  
county  
council not  
liable to pay  
cost of  
education.

**37.** Notwithstanding the provisions of clause *c* of subsection 1 of section 1 or of any other provision of this Act, the council of a county shall not be liable to pay for the cost of education as a county pupil of any pupil attending a high or continuation school situated in a city, a separated town or an adjacent county who or whose parent or guardian resides in a town or village forming part of the county and having a population of not less than 1,200, or in a township forming part of the county and having in that portion thereof which is not included in a high school district or grade A or grade B continuation school section, a population of not less than 4,000, and liability of the county for the cost of education of any such pupil shall arise only by virtue of an agreement entered into by the council of the county under the authority of subsection 5 of section 47. 1936, c. 55, s. 14, *part*; 1937, c. 68, s. 19 (1).

Cost of  
education  
of county  
pupils,—  
how to be  
provided.

**38.—(1)** The cost of education of county pupils to be paid by the council of a county shall be provided, borne, calculated, and as part of the county rates be levied in the following municipalities and in the following manner:

- (a) Fifty per centum of the said cost by a levy upon and against the whole rateable property in the municipalities or portions of municipalities forming part of the county which are not included in any high school district or continuation school section in which a grade A or a grade B continuation school is established and maintained, according to the last revised equalized assessment roll of such rateable properties;
- (b) The remaining fifty per centum thereof by a levy upon and against the whole rateable property in the municipalities or portions of municipalities forming part of the county and not included in any high school district or continuation school section in which a grade A or a grade B continuation school is established and maintained, and in which municipalities or portions of municipalities the county pupils or their parents or guardians reside, in the proportion that the days' attendance during the preceding calendar year of the county pupils who reside or whose parents or guardians reside in each of such municipalities or portions of municipalities, bears to the total days' attendance during such year of all county pupils the

cost of whose education is to be paid by the council of the county. 1936, c. 55, s. 14, *part*; 1937, c. 68, s. 20.

(2) No part of the cost of education of county pupils to be paid by the council of a county shall be borne by or levied in any municipality or portion of a municipality which is included in a high school district or a continuation school section in which a grade A or a grade B continuation school is established and maintained. 1936, c. 55, s. 14, *part*.

Not to be levied in high school district.

**39.** Notwithstanding any of the provisions of section 35, 36 or 38, where in any year the total cost of education per pupil of the county pupils attending a high school is ascertained to have exceeded \$125 per county pupil, or, in the case of a vocational school or vocational department of a high school, \$150 per county pupil, computed on the basis set forth in that one of the said sections which is applicable, the council of the county may from any amount payable by it under such section in respect of such county pupils deduct a sum equal to one-half of the amount by which the cost of education per county pupil exceeded \$125 or \$150, as the case may be, for each county pupil in respect of the cost of whose education the county is liable. 1933, c. 58, s. 26.

Limitation of county liability in respect of per capita cost.

**40.** Where an agricultural department is established by the Minister in a high school, the council of the county in which the high school is situate shall, on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of \$500, which shall be applied by the board to the purposes of such department. 1936, c. 55, s. 14, *part*.

County grant to agricultural department.

#### CONSULTATIVE COMMITTEE.

**41.—**(1) The council of any county may establish a consultative committee, which shall consist of the public school inspector or one of the inspectors where there are more than one for the county, an officer appointed by the Department and three members to be appointed by the council. 1928, c. 53, s. 5, *part*; 1937, c. 68, s. 22.

Consultative committee.

(2) The council may submit to the committee, and direct it to report upon petitions for the setting up of new high school districts or the modification or alteration of the boundaries of existing districts, and may direct the committee to obtain information and make recommendations regarding any question affecting the facilities for education in the continuation schools and high schools in the county and the liability of the county for the support of such schools and the cost to the county of the education of pupils in such schools.

Functions of committee.

Department  
may employ  
committee.

(3) The Department may direct the committee to obtain information upon any question affecting applications for the approval of continuation schools or high schools or of sites and buildings for such schools.

Statements  
from local  
school  
boards.

(4) Continuation school boards, high school boards and boards of education having control of schools within the county shall, upon application, furnish to the committee detailed statements of the names, residences and attendance of all resident, non-resident and county pupils and of all receipts and expenditures together with any further information which the committee may require concerning matters which in any way affect the liability of the county or the cost of education of pupils.

Recommen-  
dations not  
to bind  
Department  
or council.

(5) The reports of the committee and the recommendations made by it shall be used for the purpose of obtaining information only, and the recommendations of the committee shall not be binding upon the Department, the county council or the boards in control of continuation schools or high schools. 1928, c. 53, s. 5, *part*.

#### COLLECTION OF RATES.

Councils to  
levy rates in  
high school  
districts.

**42.** The council or councils having jurisdiction shall levy and collect each year in their respective municipalities or the parts thereof within the high school district such amount as the board may deem necessary for the maintenance of the high school in addition to that received from the county council and from other sources under this Act, and a further sum, not exceeding \$500 in any one year, if required by the board for permanent improvements, and such amount shall be levied by one uniform rate over the whole district, unless one or more of the councils of the municipalities comprising the high school district assume greater obligations when the rate shall be such as may be mutually agreed to by the councils. R.S.O. 1927, c. 326, s. 40.

#### GRANTS, FEES, ATTENDANCE, ETC.

Grants for  
permanent  
improve-  
ments  
exceeding  
\$500.

**43.—(1)** Where the sum required by a board for permanent improvements exceed \$500 for any one school, the same shall be raised on the application of the board by the issue of municipal debentures as herein provided, and all sums required to pay off such debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district. R.S.O. 1927, c. 326, s. 41 (1); 1937, c. 68, s. 23.



(2) The application of the board shall be made to the council Application of board to council. or councils having jurisdiction over the high school district, and in it the board may state the minimum terms of years, not exceeding thirty, within which the sum required is to be repaid.

(3) The council, or, if more than one, each of the councils Council to deal with application. applied to, at its first meeting after receiving the application, or as soon thereafter as possible shall consider and approve or disapprove the same, and if a vote in any council results in a tie, the application shall be deemed to be disapproved by that council.

(4) If a council or a majority of the councils, where there Issue of debentures. are more than one, approve of the application, the council of the municipality within which the high school is situate shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so desires, the council Rev. Stat. c. 266. of any municipality may raise its proportion of the sum required by the issue of its own debentures.

(5) If the council, or half the number of councils where Submission of application to rate-payers. there are more than one, disapprove of the application, such council, or each of such councils where there are more than one, on the request of the board shall submit the application to a vote of the electors of its municipality or of the part thereof comprised in the high school district in the manner provided by *The Municipal Act*, in the case of a money by-law. Rev. Stat., c. 266.

(6) If a majority of the votes cast throughout the high When rate-payers approve application, debentures to be issued. school district are in favour of the application, the council of the municipality in which the high school is situate shall in the manner provided by *The Municipal Act*, but without submitting any by-law to the electors, raised the required sum by Rev. Stat., c. 266. the issue of debentures.

(7) The council or councils having jurisdiction in a high Council may act without submission to ratepayers. school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the same to a vote of the electors.

(8) Where a high school district comprises more than one Proportionate liability for debenture debt. municipality or parts of more than one municipality, each municipality shall be liable for such proportion of the principal and interest payable under and of the expenses connected with the debentures as the equalized assessment of that part of the high school district which is within such municipality bears to the equalized assessment of the whole district, and the council of each of the other municipalities shall pay its proportion to the council of the municipality which has issued the debentures, unless one or more of the councils assumes a greater obligation,

when the proportion to be paid by each shall be such as the councils may mutually agree upon.

Term of  
debentures.

(9) A debenture may be for such term of years, not exceeding thirty and not less than that mentioned in the application of the board, as the municipal council or councils concerned or a majority of them may think proper, or the council or councils or a majority of them shall, if the board has so requested, and may, whether such request has been made or not, make the debenture debt payable by annual or other instalments in the manner provided by *The Municipal Act*.

Rev. Stat.,  
c. 266.

(a) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall for the purposes of this subsection be deemed a majority.

Municipality  
may assume  
full cost of  
permanent  
improve-  
ments.

(10) Nothing in this section shall prevent the municipality in which the high school is situate from assuming the full cost of permanent improvements or from undertaking to pay any debentures that may be issued therefor notwithstanding that such municipality forms only a part of the high school district. R.S.O. 1927, c. 326, s. 41 (2-10).

Council may  
raise  
further sum  
for high  
school  
purposes.

**44.**—(1) The council of any municipality or county may raise by assessment, in addition to any sum which it is required by this Act to raise, such further sums as it may deem expedient for the maintenance or permanent improvement of a high school, provided that, in the case of a county, any additional sum so raised shall be apportioned, except as hereinafter provided, among all the high schools, of the county in proportion to the liability of the county to each board.

County  
council may  
make grants  
to particular  
schools.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the high schools in the county without making a similar provision for the other high schools therein. R.S.O. 1927, c. 326, s. 42.

Payment of  
grants for  
permanent  
improve-  
ments.

**45.**—(1) All money which a municipal council is required by this Act to collect for permanent improvements shall be paid to the treasurer of the board on or before the 31st day of December of the year in which application was made by the board for such money.

For main-  
tenance.

(2) All money which a council is required to collect by assessment, or to raise by way of loan or otherwise, for the maintenance of a high school shall be paid from time to time to the treasurer of the board as the board may require. R.S.O. 1927, c. 326, s. 43.

**46.** The council of united counties may apportion the <sup>Apportion-</sup> amount to be levied for high school purposes so that each <sup>ment of high</sup> county shall be liable only for the maintenance of the <sup>school grant</sup> high <sup>in united</sup> schools within such county, but in such case, each of the <sup>counties.</sup> counties shall pay for the maintenance of pupils residing therein who attend any high school situate in any other of the counties. R.S.O. 1927, c. 326, s. 44.

**47.—(1)** No fees shall be payable by pupils attending a <sup>When</sup> high school which they have a right to attend under the <sup>schools</sup> provisions of this Act. <sup>to be free.</sup>

(2) Pupils other than the pupils referred to in subsection 1 <sup>When fees</sup> attending a high school shall pay such fees as the board may <sup>may be</sup> prescribe, but such fees shall not be greater than the average <sup>charged.</sup> cost per pupil for education in the high school.

(3) The fees payable under this section shall be payable to <sup>Fees pay-</sup> the treasurer of the board. <sup>able to</sup> <sup>treasurer.</sup>

(4) The council of a municipality not included or not wholly <sup>Maintenance</sup> included in a high school district shall provide by assessment <sup>of county</sup> for the payment of the maintenance, calculated in accordance <sup>pupils from</sup> with the provisions of section 36, of any pupils attending a <sup>municipality</sup> high school in the county or in the district who reside in such <sup>outside high</sup> municipality, but in the case of a municipality not wholly <sup>school</sup> included in a high school district such assessment shall be con- <sup>district.</sup> fined to the part which is not included within the high school district, provided, that such maintenance shall not be payable where the county council pays a maintenance grant instead of the equivalent apportioned out of the amount of the legislative grant. R.S.O. 1927, c. 326, s. 45 (1-4).

(5) The council of a county or of any municipality within <sup>Agreements</sup> the county may enter into an agreement with the board of <sup>for payment</sup> education or high school board of any city or separated town <sup>of fees of</sup> in the county, or with the board of a high school district in an <sup>non-resident</sup> adjacent county, for the payment of the whole or any part of <sup>pupils.</sup> any fees which may be legally imposed upon pupils from such county or municipality within the county attending a high school, collegiate institute or vocational school under the control of such board of education or high school board. 1929, c. 84, s. 11.

(6) Where the county council enters into an agreement <sup>How fees</sup> under subsection 5, the amount of such fees shall be levied <sup>to be levied.</sup> in the manner set forth in subsection 1 of section 38, provided that no part of such fees shall be borne by or levied in any municipality or portion of a municipality which is included in a high school district or a continuation school section in which

a grade A or a grade B continuation school is established and maintained. 1937, c. 68, s. 24.

Which  
school  
pupils may  
attend.

**48.** A county pupil shall have the right to attend any high school in the county in which he or his parent or guardian resides, and a resident pupil shall have the right to attend the high school of the district in which he or his parent or guardian resides or is assessed for an amount equal to the average assessment of the ratepayers therein, and a non-resident pupil may attend any high school at the discretion of the board. 1932, c. 42, s. 17; 1937, c. 68, s. 25.

When  
interval  
between  
attendance  
at public  
and high  
schools.

**49.** Notwithstanding the provisions of sections 47 and 48, no pupil who, having completed the fourth form course in a public or separate school, has attended any other school or schools for six years shall after the expiration of such six years be entitled to attend a high school except upon payment of such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in such high school. 1933, c. 58, s. 27.

#### HIGH SCHOOL ENTRANCE EXAMINATIONS.

##### *General.*

#### **50.** Subject to the regulations—

Who may be  
admitted to  
high  
schools.

(a) candidates who pass the uniform entrance examination for high schools held by boards of examiners provided for in this Act shall be granted admission to the high schools;

Discretion  
of board of  
examiners.

(b) candidates who have completed the course prescribed for the fourth form of the public school or who have, in the opinion of a board of examiners, completed a course which gives them an equivalent standing may, in the discretion of such board of examiners, be by it admitted to the high schools without passing such entrance examination;

Provision  
for attend-  
ance at high  
school con-  
ducted at  
night.

(c) a candidate shall be entitled to enter a high school while it is conducted at night if, in the opinion of the principal of the high school and of the public school inspector or the chief public school inspector of the high school district, after due examination or other investigation, he is competent to take up the subjects as prescribed by the regulations; but such admission shall not entitle him to admission to the high school when conducted by day. R.S.O. 1927, c. 326, s. 47.



**51.**—(1) Subject to the regulations, the Minister may establish an examination for entrance to the middle school of the high schools for those who have completed the course prescribed for the lower school of the high schools, and such examinations shall be known as the “senior high school entrance examination.”

Examination for entrance into middle school of high school.

(2) After the establishment of such examination, the entrance examination provided for by section 50 shall be known as the “junior high school entrance examination.” R.S.O. 1927, c. 326, s. 48.

The junior high school entrance examination.

**52.**—(1) Subject to the regulations, any person actually engaged in teaching in the high school district, if a qualified examiner can be obtained therein, who holds—

Who may be examiners at entrance examinations.

(a) a permanent high school certificate; or

(b) a permanent first class certificate; or

(c) a permanent second class certificate, and has had three years' experience as a teacher;

may be appointed a presiding officer or a member of a board of examiners R.S.O. 1927, c. 326, s. 49 (1); 1930, c. 63, s. 17.

(2) The Minister may suspend any member of the board of examiners from membership therein for such period as he may deem expedient in case of the failure of such member to properly observe the regulations with regard to high school entrance examinations or of being guilty of other misconduct in office. R.S.O. 1927, c. 326, s. 49 (2); 1937, c. 68, s. 26.

Member of board may be suspended for non-observance of regulations, etc.

(3) The Minister may appoint some other qualified person to act in the place of the member so suspended. R.S.O. 1927, c. 326, s. 49 (3).

Appointment during suspension.

### *In the Counties.*

**53.**—(1) (a) In a county in which one or more high schools have been established one or more examination centres shall be established by the high school board from time to time in each district and in other parts of the county by the county council except that an examination centre shall not be established in a high school district if the high school board or the board of education, as the case may be, has passed a resolution that there shall be no written examination on question papers prepared by the Department, and the board of examiners which composes the high school en-

Centres to be established.

trance board has given its unanimous consent to the resolution;

(b) The county clerk or the secretary of the board, as the case may be, shall give due notice to the public school inspector of the establishment of such centres, and the inspector shall attach each centre established by the county council to the centre or centres of one of the high school districts within the county which established the centre; 1936, c. 55, s. 15 (1).

(c) A high school district shall be under one board of examiners, and the public school inspector or inspectors where there are two or more of an inspectorate in which a high school centre or attached county centre is situate and the high school principal or principals and the technical, commercial or vocational school principal or principals in the high school district shall be members of the board of examiners;

(d) The Minister may appoint a separate school inspector to be a member of the board of examiners for any high school within his inspectorate, and the public school board and the board of separate school trustees, if any, of the city, town or village in which the high school is situate may each, on or before the 1st day of June in any year, appoint an additional member to the board;

(e) The county council may on or before the 1st day of June in any year appoint the principal of one continuation school, having a staff of at least two teachers, to be a member of the board of examiners of the high school district to the centre or centres of which his county centre is attached;

(f) The board of a township school area established under the provisions of this or any other Act may on or before the 1st day of June in any year appoint an additional member to the board of examiners of such high school district in the county to which for the purposes of this section the public school inspector for the school area may direct it shall be attached. R.S.O. 1927, c. 326, s. 50 (1), cl. (b); 1928, c. 53, s. 6 (1); 1933, c. 58, s. 28.

Examiners  
in counties  
not having  
a high  
school.

- (2) (a) In a county, city or separated town, in which no high school has been established, the council of the county, city or town, at its meeting in June

in each year, shall appoint a board of examiners, consisting of the public school inspectors, with as many more members as may appear to be necessary, and preference shall be given to the principals of the continuation schools of the county;

(b) The county council shall also establish such county centres as it may deem necessary, and the county clerk shall notify the public school inspectors of the establishment of such centres.

(3) Subject to the regulations, every board of examiners shall in each year appoint such additional members as may be required.

(4) Subject to the regulations, the expenses of the examination shall be paid, on the requisition of the chairman of the board of examiners, in the case of county centres by the treasurer of the county, and in the case of the high school district centres by the treasurer of the high school board. R.S.O. 1927, c. 326, s. 50 (2-4).

(5) The county council or the high school board, as the case may be, shall not impose any fee upon any candidate at the county or high school district centres who, or whose parent or guardian, is a resident of Ontario, but may impose a fee not exceeding \$2 upon each candidate who, or whose parent or guardian, is not a resident of Ontario, at the county or high school district centres, which shall be paid by the candidate as prescribed by the regulations and shall be paid over at or before the close of the written examination to the treasurer of the county or of the board as the case may be. 1936, c. 55, s. 15 (2).

*In the Territorial Districts.*

**54.—**(1) (a) Where there are one or more high schools in a public school inspectorate in territory without county organization there shall be a board of examiners for each high school; the inspector for the inspectorate in which the high school is situate and the high school principal or principals in the high school district shall be members of the board; the minister may appoint a separate school inspector to be a member of the board of examiners for any high school within his inspectorate; the public school board and the board of separate school trustees, if any, of the city, town or village in which the high school is situate may each, on or before the 1st day of June of any year, appoint an additional member; subject to the regulations, the board of examiners in each year shall appoint such additional members as may be required, and

preference shall be given to the principals of continuation schools in the inspectorate. R.S.O. 1927, c. 326, s. 51 (1), cl. (a); 1928, c. 53, s. 6 (2).

Examination centres.

(b) One or more centres shall be established by the high school board in each high school district and, with the approval of the Minister, other centres may be selected and attached by the public school inspector to one of the high school district centres in his inspectorate. R.S.O. 1927, c. 326, s. 51 (1), cl. (b).

Where no high school has been established.

(2) (a) In an inspectorate in which no high school has been established there shall be a board of examiners consisting of the public school inspector and as many more members as may appear to him to be necessary appointed by the inspector, with the approval of the Minister, and preference shall be given to the principals of continuation schools in the inspectorate;

How selected.

(b) In such inspectorates the centres shall be selected by the inspector with the approval of the Minister.

Expenses,—how borne.

(3) Subject to the regulations, the expenses of the examinations shall be paid by the Minister out of any money appropriated by legislation and applicable to that purpose. R.S.O. 1927, c. 326, s. 51 (2, 3).

#### HIGH SCHOOL TEACHERS.

Qualification.

**55.**—(1) No person shall be appointed principal or assistant teacher in a high school who does not possess the qualifications prescribed by the regulations.

Regulations to apply.

(2) Every teacher of a high school shall in the organization, discipline, management and classification of the pupils be subject to the regulations.

Superannuation.

(3) The provisions of *The Public Schools Act* respecting superannuation shall apply to teachers of high schools. R.S.O. 1927, c. 326, s. 52.

Rev. Stat., c. 357.

#### AGREEMENTS.

Agreements between teacher and board.

**56.**—(1) Every agreement between a board and a teacher shall be in writing, signed by the parties thereto and sealed with the seal of the board, and shall be executed before the teacher enters upon his duties, and, unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the propor-

Apportionment of salary.



tion which the total number of days during which he has taught, bears to the whole number of teaching days in the year. 1931, c. 71, s. 12; 1932, c. 42, s. 18.

(2) A teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery; but the period of four weeks may in any case of sickness be allowed and extended at the pleasure of the board without a certificate. Sickness or dental treatment.

(3) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties. Absence of teacher in quarantine.

(4) A high school inspector may, on the complaint of a board, suspend the certificate of a teacher who wilfully neglects or refuses to carry out his agreement with the board, but the teacher may appeal to the Minister who may make such order with regard to the suspension as he may deem proper. Suspension for neglect of duty.

(5) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, subject to the same right of appeal as under *The Public Schools Act*. R.S.O. 1927, c. 326, s. 53 (2-5). Disputes between teachers and trustees. Rev. Stat. c. 357.

(6) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months' salary. Award of salary by way of penalty.

(7) For the purposes of subsection 6 the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written agreement has been entered into and executed as required by subsection 1, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of an agreement in writing is without merit. 1934, c. 52, s. 13. Failure of board to pay salary when no written agreement.

**57.** Subject to the approval of the Minister, a high school board or a board of education may appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, Appointment of advisory officers.

and to offer such counsel to the pupils of the schools under the charge of the board as will enable them to plan intelligently for their vocational and educational advancement and every person so appointed shall be subject to the control of the board. R.S.O. 1927, c. 326, s. 54.

#### RETIRING ALLOWANCES.

Retiring  
allowance.

**58.** Where a teacher, officer or other employee of the board whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board may grant him an annual allowance not exceeding the salary which he was receiving at the time of his retirement, or may make a grant to him by way of gratuity of such sum as will represent not more than the present value of such allowance for his life computed on the basis of interest at the rate of four per centum per annum. R.S.O. 1927, c. 326, s. 55; 1936, c. 55, s. 16.

#### SCHOOL YEAR AND HOLIDAYS.

Terms.

**59.**—(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December and the second of which shall begin on the 3rd day of January and end on the 29th day of June. 1931, c. 71, s. 13, *part*; 1933, c. 58, s. 29; 1937, c. 68, s. 27.

Where  
opening and  
closing days  
Friday or  
Monday.

(2) When the 1st day of September is a Friday the schools shall not be opened until the following Tuesday; when the 3rd day of January is a Friday the schools shall not be opened until the following Monday; when the 29th day of June or the 22nd day of December is a Monday the schools shall be closed on the preceding Friday. 1936, c. 55, s. 17.

Holidays.

(3) Every Saturday, every public holiday, the week following Easter Day and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department, shall be a school holiday. 1931, c. 71, s. 13, *part*.

Rev. Stat.  
c. 299.

#### AUTHORIZED BOOKS.

Text-books.

**60.**—(1) A teacher shall not use or permit to be used as a text-book in a high school any book except such as is authorized by the regulations, and the Minister, upon report of the inspector, may withhold the whole or any part of the legislative grant in respect of any high school in which any unauthorized book is so used.

(2) Subject to the regulations an authorized text-book in actual use in a high school may, with the written approval of the board, be changed by the teacher for any other authorized text-book on the same subject. R.S.O. 1927, c. 326, s. 57.

Change of  
text-books.

#### OFFENCES AND PENALTIES.

**61.** A high school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit, or promised or expected benefit with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the municipality or the appointing body of the vacancy. R.S.O. 1927, c. 326, s. 58.

Conflict of  
interest.

**62.** A trustee who is a shareholder, officer, director or other employee of a company shall not vote on any question affecting the company in respect to any dealings or contract between it and the board of which he is a member. 1936, c. 55, s. 18.

Idem.

**63.** No person shall be disqualified from being a member of a board or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which an advertisement is inserted by the board in the regular course of business, or which is subscribed for by the board, if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1927, c. 326, s. 59.

Newspaper  
proprietors.

**64.** If a trustee is convicted of an indictable offence, or becomes mentally ill, or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the county, municipality or district for which he was appointed, he shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the council of the county or municipality or other appointing body of the vacancy. R.S.O. 1927, c. 326, s. 60.

Seat vacated  
by conviction for  
crime, etc.

**65.** Any person who wilfully interrupts or disquiets any high school by rude or indecent behaviour, or by making a noise

Disturbing  
schools.

either within the place where such school is kept or held or so near thereto as to interfere with the order or exercises of the school, shall for each offence incur a penalty not exceeding \$20. R.S.O. 1927, c. 326, s. 61.

Substitution  
of unauthor-  
ized text-  
books.

**66.** If a teacher negligently or wilfully permits an unauthorized book to be used as a text-book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of such use or any less sum at its discretion. R.S.O. 1927, c. 326, s. 62.

Disqualified  
persons  
acting as  
trustees.

**67.**—(1) A trustee who sits or votes at any meeting of the board while disqualified under this Act shall incur a penalty of \$20 for every meeting at which he so sits or votes.

Penalty for  
refusal to  
perform  
duties.

(2) Every person appointed as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 326, s. 63.

Disquali-  
fication for  
holding cer-  
tain offices.

**68.** A trustee shall not be eligible for appointment as a high school teacher, nor shall the teacher of a high, public or separate school hold the office of high school trustee. R.S.O. 1927, c. 326, s. 64.

Liability for  
neglect to  
take  
security.

**69.** If a board refuses or neglects to take proper security from the treasurer or other person to whom they entrust school money and any school money is forfeited or lost to the board in consequence of such refusal or neglect every member of the board shall be personally liable for such money, and the same may be recovered by the board or any ratepayer or ratepayers interested therein suing on behalf of himself or themselves and all ratepayers of the high school district interested in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. R.S.O. 1927, c. 326, s. 65.

Trustee may  
not be  
secretary,  
treasurer,  
or bonds-  
man.

**70.** A trustee shall not be appointed secretary, treasurer, or secretary-treasurer of the board or be bondsman or surety for the treasurer or secretary-treasurer or for any person entrusted with school money. R.S.O. 1927, c. 326, s. 66.

Duty to  
deliver up  
books or  
money.

**71.**—(1) A treasurer, secretary or secretary-treasurer, or a person having been such treasurer, secretary or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money which came into his



possession as such treasurer, secretary, secretary-treasurer, or trustee or otherwise shall not wrongfully withhold or neglect or refuse to deliver up or account for and pay over the same to the person and in the manner directed by the board or by other competent authority.

(2) Upon application to the judge by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon such treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him. Summons for appearance.

(3) A bailiff of a division court upon being required so to do by the judge shall serve the summons, or a true copy thereof, on the person complained against personally or by leaving the same with a grown-up person at his residence. Service of summons.

(4) At the time and place so appointed the judge if satisfied that service has been made shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow. Order to account.

(5) In the event of non-compliance with the order the judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority. Effect of non-compliance with judge's order.

(6) Upon proof of his having so done the judge shall make an order for his discharge and he shall be discharged accordingly. Discharge on complying with order.

(7) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the judge may order his discharge on such terms or conditions as he may deem just. Discharge on terms.

(8) Such proceedings shall not impair or affect any other remedy which the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1927, c. 326, s. 67. Other remedy not affected.

Penalties on trustees refusing information, etc., to auditor.

**72.** It shall be the duty of a board and of the treasurer, secretary or secretary-treasurer to furnish the auditors with any papers and information in their power which may be required of them relative to the school accounts, and any member of the board and a treasurer, secretary or secretary-treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 326, s. 68.

Penalty for false school reports and registers.

**73.** If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, such trustee or teacher shall for every offence incur a penalty not exceeding \$20. R.S.O. 1927, c. 326, s. 69.

Who may prosecute.

**74.—(1)** No person other than a ratepayer, trustee or high school teacher may take proceedings to recover any penalty imposed by this Act.

Payment and application of penalties.

Rev. Stat. c. 136.

**(2)** Every penalty imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*, and unless otherwise provided shall be payable to the treasurer of the board of the high school district in which the offence was committed and shall be applied to high school purposes, except when the penalty is imposed upon a treasurer, secretary or secretary-treasurer, in which case the same shall be payable to the chairman of the board and shall be applied to high school purposes. R.S.O. 1927, c. 326, s. 70.

(NOTE.—*For liability of a trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and any one employing or paying him to act as agent or otherwise, see The Department of Education Act, Rev. Stat., c. 356.*)

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## CHAPTER 361.

## The Boards of Education Act.

## 1. In this Act,—

Interpreta-  
tion.

- (a) "High school" shall include a collegiate institute; "High school."
- (b) "High school district" and "district" shall mean the "High school district."  
territory over which a high school board has juris-  
diction;
- (c) "Municipal board" and "municipal board of educa- "Municipal  
tion" shall mean a board of education organized pur- board" and  
suant to a resolution passed by the council of any "municipal  
city, town or village under the provisions of this Act; board of  
education."
- (d) "Secretary" and "treasurer" shall include a secretary- "Secretary"  
and  
treasurer; "treasurer."
- (e) "Union board" and "Union board of education" "Union  
board" or  
shall mean a board of education formed by the union "union  
of a high school board with one or more public school board of  
boards. R.S.O. 1927, c. 327, s. 1. education."

## MUNICIPAL BOARDS OF EDUCATION.

2.—(1) When a high school district does not extend beyond Resolution  
the limits of the municipality the council of a city, town or to form  
village in which one or more high schools are situate may, on municipal  
or before the 1st day of October in any year, at a meeting board of  
specially called for the purpose, declare by resolution that it is education.  
expedient to form a municipal board of education under this  
Act. R.S.O. 1927, c. 327, s. 2 (1).

(2) The council of a town, village or township which has Municipal  
been established as a high school district in accordance with board  
section 6 of *The High Schools Act*, may on or before the 1st in  
day of October in any year, at a meeting specially called for town or  
that purpose, declare by resolution that it is expedient to form village.  
a board of education under this Act for the purpose of estab-  
lishing and maintaining one or more public and high schools  
in the municipality. 1929, c. 84, s. 12; 1936, c. 55, s. 2.

(3) Such resolution may be passed notwithstanding that a May be  
union board of education already exists in the municipality. passed  
although  
exists.

Submitting  
question of  
establish-  
ment of  
board of  
education  
to electors.

(4) The council shall, at the next succeeding municipal election, submit to a vote of the electors the question: "Are you in favour of the formation of a Municipal Board of Education?" and in case the question is answered in the affirmative by a majority of the electors voting thereon, the elective members of the board shall be elected at the next ensuing municipal election, and the members to be appointed shall thereupon be appointed and the board organized in accordance with the provisions of this Act.

Powers,  
rights and  
duties of.

(5) Upon the organization of the board all the property theretofore vested in the high school board and the public school board shall become vested in the municipal board, and all the debts, contracts and agreements for which the previous boards were liable shall become obligations of the municipal board. R.S.O. 1927, c. 327, s. 2 (2-4).

Composition  
of municipal  
boards.

**3.**—(1) Except as hereinafter provided every municipal board shall be composed as follows:—

- (a) In a city having a population of 50,000 or more, of fourteen members, twelve of whom shall be elected as hereinafter provided and two of whom shall be appointed by the separate school board of the city;
- (b) In a city having a population of less than 50,000, of ten members, nine of whom shall be elected as hereinafter provided and one appointed by the separate school board of the city;
- (c) In a town or village, of eight members, seven of whom shall be elected as hereinafter provided and one appointed by the separate school board of such town or village;
- (d) Subject to the provisions of clause *e* where there is no separate school board, the board shall be composed of the elected members only;
- (e) In the case of a municipal board having jurisdiction over a high school situate in a municipality not separated from the county, for high school purposes, the council of such county at its first meeting in the second year following the passing of the resolution mentioned in section 2 shall appoint three additional members of the board, as authorized by *The High Schools Act*;
- (f) When by reason of increased population additional representation on a board becomes necessary the appointment shall be made and the election shall take



place of the additional members at the regular time for the next ensuing year, and the election of such members and of those required to replace retiring members shall be decided together in accordance with the provisions of subsection 7.

(2) A board shall not be deemed incomplete by reason only of the failure of an appointing body to appoint the member or members which it has the right to appoint.

Board not to be incomplete by reason of failure to appoint.

(3) The members to be elected shall be elected by the general vote of the persons qualified to vote for public school trustees, and the election shall be held at the same time and place, by the same returning officer and in the same manner as the election of a mayor or reeve, and, save as otherwise provided, all the provisions of *The Public Schools Act* respecting the qualification of trustees and the election of trustees by ballot shall apply to the election.

Mode of election.

Rev. Stat. c. 357.

(4) The first election shall take place at the time of holding the municipal elections for the year following the obtaining of the consent of the ratepayers, as provided in subsection 4 of section 2, but nothing in this Act shall affect any board having jurisdiction over any public school, high school or technical school during the year in which such resolution is passed.

First election of members of board.

(5) Every person qualified to vote shall be entitled to as many votes as there are members to be elected, but may not give more than one vote to any one candidate.

Number of votes for candidates.

(6) At the first election the full number of elective members shall be elected.

First election after organization.

(7) One-half of the members so elected where the number of elected members is an even number, and the next number higher than one-half where the number of elected members is an odd number, who receive the highest number of votes, shall continue in office for two years thereafter and until their successors are elected and the new board is organized, and the remaining members shall continue in office for one year and until their successors are elected and the new board is organized. R.S.O. 1927, c. 327, s. 3 (1-7).

Terms of office of first members.

(8) Where two or more members receive an equal number of votes at the first election or where the full number of members to be elected are elected by acclamation and no agreement as to which of them shall retire is reached at the first meeting of such board, then at the next meeting the question shall be determined by lot to be cast by the secretary in presence of the board, and the result shall be entered upon the minutes of the meeting. R.S.O. 1927, c. 327, s. 3 (8); 1937, c. 68, s. 2 (2).

Retirement where members have equal votes.

Subsequent  
elections.

(9) At each annual election after the first a sufficient number of members shall be elected for two years to fill the place of members retiring.

Retiring  
members  
eligible for  
re-election.

(10) The members retiring at the expiration of the terms for which they were respectively elected or appointed shall be eligible for re-election or re-appointment if otherwise qualified.

Appointment  
by separate  
school board.

(11) The appointment of a member or members by the separate school board shall be made at the first meeting thereof in the year in which the first election of the municipal board is held and at its first meeting in every second year thereafter.

Term of  
office.

(12) Any member so appointed shall hold office for two years and until his successor is appointed.

Members of  
appointing  
body not  
eligible.

(13) No member of a body having the right to appoint a member of a municipal board of education shall be eligible for appointment or election as a member of the board. R.S.O. 1927, c. 327, s. 3 (9-13).

Annual elec-  
tion of  
board—vote  
of rate-  
payers on  
question.

4.—(1) The council of any municipality may at any time before the 1st day of October in any year submit to the vote of the persons qualified to vote for public school trustees the question: "Are you in favour of the annual election of the members of the Board of Education?" and in case the question is answered in the affirmative by a majority of the electors voting thereon, all the elective members of such board shall be elected annually, and the clerk of the municipality shall notify the secretary of the board of education, in writing, of the result of the voting, and all the members of the board of education shall cease to hold office on the 31st day of December of the same year. R.S.O. 1927, c. 327, s. 4.

Adoption of  
two-year  
term for  
members  
of board.

(2) The council of any municipality in which the members of the municipal board of education have been elected annually for five years under the provisions of subsection 1, may before the 1st day of October in any year submit to the vote of the persons qualified to vote for public school trustees the question—

"Are you in favour of the members of the Board of Education holding office for a term of two years?"

and in case the question is answered in the affirmative by a majority of the electors voting thereon, all the elective members of the board shall thereafter be elected for a term of two years in accordance with the provisions of section 3, or where the same applies section 5, and the clerk of the municipality shall notify the secretary of the board of education in writing of the result of the voting, and all the members of the board then in

office shall cease to hold office on the 31st day of December of the same year.

(3) Whenever members of a board of education are elected under the provisions of subsection 2, elections thereunder shall continue to be held for a period of not less than six years before the members may again be elected under subsection 1. 1934, c. 52, s. 14.

Return to one-year term.

5.—(1) The council of any city having a population of not less than 200,000 may at any time before the 1st day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of electing the Board of Education by wards?"

Election of members by wards in cities of 200,000. Submission of question.

(2) In case the question is answered in the affirmative by a majority of the persons voting thereon the clerk of the city shall notify the secretary of the board of education in writing of the result of the voting, and all the members of the board of education shall cease to hold office on the 31st day of December of the same year, and thereafter the board shall consist of two members to be elected in each ward of such city and two members who shall be appointed by the separate school board.

How board to be constituted if question answered in affirmative.

(3) At the first election held after the question shall have been so answered in the affirmative the requisite number of members shall be elected, and in each ward the two candidates receiving the highest number of votes shall be elected, and as between themselves the candidate having the larger number of votes shall continue in office for two years and the other for one year, and until their respective successors have been elected under this Act and the new board organized.

First election.

(4) At each annual election after the first the term of office of each elected member shall be two years.

Term of office.

(5) All the provisions of *The Public Schools Act* respecting the qualification and election of trustees shall apply to the election of such members.

Provisions of Rev. Stat. c. 357 as to qualification and election to apply.

(6) Save as in this section is otherwise provided the provisions of this Act shall apply to a board of education organized under this section. R.S.O. 1927, c. 327, s. 5.

Application of general provisions.

6. The council of any city which has passed a by-law under the provisions of section 5 may at any time before the 1st day of October in each year submit to the persons qualified to vote for a public school trustee, the question "Are you in favour of repealing the by-law for electing the Board of Education by wards?" and if the question is answered in the affirmative by

Vote on repeal of by-law for election of board by wards.

the majority of the electors voting thereon, the election shall thereafter be conducted in the manner provided by section 3. R.S.O. 1927, c. 327, s. 6.

Vacancies in cases of elected members.

**7.**—(1) Where the office of an elected member becomes vacant from any cause before the expiration of the term for which he was elected a majority of the remaining elected members present shall, at the first regular meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy, and the person so elected shall hold office for the remainder of the term for which his predecessor was elected.

Casting vote.

(2) In case of an equality of votes the elected member having the largest number of votes at his election shall have a second or casting vote. R.S.O. 1927, c. 327, s. 7.

Vacancies within one month of annual election.

(3) Where a vacancy occurs within one month of the time for the next ensuing annual election it shall not be filled in the manner provided by subsection 1, but the office shall remain vacant until the annual election and if the term of the vacant office then expires a new trustee shall be elected or if the term of the vacant office does not then expire some duly qualified person shall be elected at such annual election to fill the vacancy for the unexpired term of office for which his predecessor was elected. 1933, c. 58, s. 30.

Vacancies in cases of appointed members.

**8.**—(1) Where the office of an appointed member becomes vacant from any cause before the expiration of the term for which he was appointed the vacancy shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the remainder of the term for which his predecessor was appointed.

Failure to appoint at prescribed time.

(2) When an appointing body fails to appoint a member at the prescribed time the appointment may be made subsequently, but the term of office of the person appointed shall expire as if he had been appointed at the time prescribed. R.S.O. 1927, c. 327, s. 8.

First meeting each year.

**9.** Unless a date for the first meeting has been decided upon by the old board the first meeting of every municipal board in each year shall be held at the hour of eight o'clock in the evening of the first Wednesday in February. R.S.O. 1927, c. 327, s. 9.

Board to be a corporation.

**10.** Every municipal board shall be a corporation by the name of "The Board of Education for the (*naming the city, town or village*)" and shall have and possess all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board, or a high school board. R.S.O. 1927, c. 327, s. 10.



**11.** Where a municipal board is organized under this Act in a municipality any union board of education then existing therein shall thereby be dissolved. R.S.O. 1927, c. 327, s. 12.

Dissolution  
of union  
board.

#### UNION BOARDS OF EDUCATION.

**12.**—(1) A high school board of a high school district which is composed of a municipality, a part of a municipality, two or more municipalities or parts thereof in which a municipal board has not been organized and the board of public school trustees of a school section which is composed of the same area as such high school district may unite as a union board of education on filing with the clerk of the municipality in which the high school is situate certified copies of resolutions providing for such union passed at separate meetings of each of the boards called for the purpose of considering such union. R.S.O. 1927, c. 327, s. 13 (1); 1937, c. 68, s. 3.

Formation  
of union  
boards of  
education.

(2) The union shall take effect on the day fixed under this Act for the first meeting in each year of a union board, next following the passing of the resolutions, and upon the formation of such union board all property theretofore vested in the boards so uniting shall become vested in such union board, and all debts, contracts, agreements and obligations of the boards so uniting shall become debts, contracts, agreements and obligations of the union board.

Powers,  
rights and  
duties of  
former  
school  
boards.

(3) The members of the high school and public school boards forming the union who are then in office shall continue in office until the expiration of the terms for which they were respectively appointed or elected and shall be the members of the union board, and the trustees for such public and high schools shall continue to be appointed and elected as if the union had not been formed and when so appointed or elected shall be the members of the union board. R.S.O. 1927, c. 327, s. 13 (2, 3).

Trustees of  
union board.

**13.** Every union board shall be a corporation by the name of "The Board of Education for (*naming the municipality in which the high school is situate*)," and such corporation shall have all the powers, perform all the duties and be subject to all the obligations of high school and public school boards. R.S.O. 1927, c. 327, s. 14.

To be a  
corporation.

**14.**—(1) If at a meeting of a union board specially called for that purpose a majority of all the members of the board vote in favour of the dissolution thereof the board shall be dissolved on the date fixed for holding the first meeting of a union board in any year next following such vote.

Dissolution  
of union  
boards.

Trustees to  
continue in  
office.

(2) Where a board is dissolved the members thereof who are high school trustees shall constitute the high school board and shall continue in office for the remainder of the terms for which they were respectively appointed, and the members thereof who are public school trustees shall constitute the public school board and shall continue in office for the remainder of the terms for which they were respectively elected.

Division of  
property.

(3) Upon the dissolution all property held or possessed by the union board for high school purposes shall forthwith vest in the high school board, and all property held or possessed by the union board for public school purposes shall forthwith vest in the public school board, and all property held or possessed by the union board at the time of its dissolution partly for high school and partly for public school purposes shall be divided as may be agreed upon by such high school and public school boards at a meeting called for that purpose.

When coun-  
cil to make  
division.

(4) If no division is made within six months after the dissolution the division shall be made forthwith by the council of the local municipality in which the high school is situate. R.S.O. 1927, c. 327, s. 15.

First meet-  
ing in each  
year.

**15.** Unless all members of the new board have been appointed and a date for the first meeting has been decided upon by the old board, the first meeting of every union board in each year shall be held at the hour of eight o'clock in the evening of the first Wednesday in February. R.S.O. 1927, c. 327, s. 16.

#### GENERAL PROVISIONS.

Municipal  
and union  
board,  
proceedings  
at first  
meeting.

**16.**—(1) The first meeting of every municipal and union board after its organization or formation shall be held in the room, if any, provided for the board in the municipal building, and, if no room is provided, at the usual place of meeting of the former public school board, and the first meeting in subsequent years shall be held at such place as the board shall determine. R.S.O. 1927 c. 327 s. 17 (1).

Election of  
chairman.

(2) At the first meeting of every new municipal board and union board, and whenever the office of chairman becomes vacant, then at the first meeting of the board after the vacancy occurs, the members shall elect one of their number to be chairman of the board. R.S.O. 1927, c. 327, s. 17 (2); 1937, c. 68, s. 4.

Casting  
vote.

(3) In case of an equality of votes the elected member who has received the largest number of votes at his election shall have a second or casting vote.

(4) The members of the board may also elect one of their number to be vice-chairman and he shall preside in the absence of the chairman. Vice-chairman.

(5) If at any meeting neither the chairman or vice-chairman is present the members present may elect a chairman for that meeting. Temporary chairman.

(6) At the first meeting after the organization or formation of the board, and so often as a vacancy occurs, the board shall also elect a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board. Secretary-treasurer.

(7) At any meeting of a board at which a chairman is to be elected the secretary, if present, shall preside until the chairman is elected, and if the secretary is not present the members present may elect one of their number for that purpose. Who to preside during election of chairman.

(8) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting. R.S.O. 1927, c. 327, s. 17 (3-8). Acting secretary provided for.

**17.** The presence of a majority of all the members constituting a board shall be necessary to form a quorum, provided that at any meeting of the board at which public school matters alone are under consideration, a majority of the elected members of the board shall form a quorum. R.S.O. 1927, c. 327, s. 18; 1937, c. 68, s. 5. Quorum.

**18.** The chairman or vice-chairman or member presiding may vote with the other members on all questions, and, subject to the provisions hereinbefore contained as to a second or casting vote where there is an equality of votes at an election of chairman, any question on which there is an equality of votes shall be deemed to be negatived except in case of an equality of votes for the election of a secretary or a treasurer, or secretary-treasurer, when the chairman or other presiding officer shall have a second or casting vote. R.S.O. 1927, c. 327, s. 19. When chairman may vote.

**19.** The provisions of *The Public Schools Act* and of *The High Schools Act* respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of public school boards and high school boards respectively, and respecting members resigning or vacating their offices, shall apply to all boards. R.S.O. 1927, c. 327, s. 20. Disqualification. Rev. Stat. cc. 357, 360.

**20.**—(1) Every board of education having jurisdiction over more than one high school, with the approval of the Minister of Education may,— Special and advanced courses of study in high schools.

- (a) make such modifications of the school courses prescribed for the high, industrial, technical and art schools under its jurisdiction as it deems expedient;
- (b) provide for special or advanced instruction in any of such courses;
- (c) designate such schools, or any of them, English, commercial, technical, industrial, art or classical high schools, according to the course or courses of instruction provided therefor.

Application  
of regula-  
tions.

Rev. Stat.,  
c. 356.

(2) The accommodations and equipment of the school and the qualifications of the staff shall be subject to the regulations made under the authority of *The Department of Education Act*. R.S.O. 1927, c. 327, s. 21.

Restriction  
upon mem-  
ber who is  
separate  
school  
supporter.

**21.** A member of a board who is a separate school supporter, or who is appointed by the county council, shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools. R.S.O. 1927, c. 327, s. 22; 1928, c. 53, s. 7; 1936, c. 55, s. 3.

This Act to  
be read with  
certain other  
Acts.

Rev. Stat.  
co. 357, 360,  
369.

**22.** The provisions of *The Public Schools Act*, *The High Schools Act* and *The Vocational Education Act*, which are not inconsistent with this Act, shall be read as part of this Act and so far as such provisions are inconsistent with the provisions of this Act they shall not apply to municipal boards or union boards. R.S.O. 1927, c. 327, s. 23.

Appropri-  
ation of  
property for  
purposes of  
board.

**23.** A board of education may appropriate any property acquired by it or in its possession or control for any of the purposes of the board but where public school property is appropriated for high school purposes the public school shall be credited with the value of the property so appropriated and where high school property is appropriated for public school purposes the high school shall be credited with the value of the property so appropriated. 1930 c. 63 s. 19.



## CHAPTER 362.

## The Separate Schools Act.

## PART I.

## PROTESTANT AND COLOURED SEPARATE SCHOOLS.

**1.** Upon the application in writing of five or more heads of families resident in a township, city, town or village, being Protestants, the municipal council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for Protestants. R.S.O. 1927, c. 328, s. 1.

**2.** Upon the application in writing of five or more heads of families resident in a township, city, town or village, being coloured people, the municipal council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for coloured people. R.S.O. 1927, c. 328, s. 2.

**3.** In a township the council shall prescribe the location of the school or schools authorized to be established under sections 1 and 2. R.S.O. 1927, c. 328, s. 3.

**4.** No person shall be a supporter of any separate school for coloured people unless he resides within three miles in a direct line of the site of the school house. R.S.O. 1927, c. 328, s. 4.

**5.** There shall be three trustees for each separate school and the first meeting for their election shall be held and conducted in the manner provided by section 26. R.S.O. 1927, c. 328, s. 5.

**6.** On the 25th day of December next following the date of the application mentioned in sections 1 and 2, the separate school shall go into operation, and shall, with respect to the persons for whom it is established, be under the same regulations as the public schools. R.S.O. 1927, c. 328, s. 6.

**7.** None but coloured people shall vote at the election of trustees of a separate school established for coloured people, and none but the persons petitioning for the establishment of or sending children to a Protestant separate school shall vote at the election of trustees of such school. R.S.O. 1927, c. 328, s. 7.

Union of  
wards in  
cities and  
towns.

**8.** In a city or town the persons who make the application may have a separate school in each ward, or in two or more wards united as they may judge expedient. R.S.O. 1927, c. 328, s. 8.

Restriction  
upon estab-  
lishment of  
Protestant  
school.

**9.** No Protestant separate school shall be established in any school section except when the teacher of the public school in such section is a Roman Catholic. R.S.O. 1927, c. 328, s. 9.

Exemption  
from public  
school rates.

**10.**—(1) In a city, town, village or township public school section in which a separate school exists, every Protestant or coloured person, as the case may be, paying rates, whether as owner or tenant, and being a supporter of such school, shall be exempt from the payment of all rates imposed for the support of public schools and public school libraries, or for the purchase of land or the erection of buildings for public school purposes, within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter while he continues a supporter of the school.

Exemption  
conditional.

(2) Such exemption shall not extend beyond the period during which such person is a supporter of the school, or to school rates or taxes imposed or to be imposed to pay for school-houses, the erection of which was undertaken or entered into before the establishment of the separate school. R.S.O. 1927, c. 328, s. 10.

Not to  
share.

**11.** Separate schools shall not share in money raised by local municipal assessment for public school purposes. R.S.O. 1927, c. 328, s. 11.

Share of  
legislative  
grant.

**12.** Every separate school shall share in the legislative public school grants in like manner as a public school. R.S.O. 1927, c. 328, s. 12.

Half yearly  
return to  
inspector.

**13.**—(1) The trustees of every separate school shall, on or before the 30th day of June and the 31st day of December of each year, transmit to the public school inspector a correct return of the names of all Protestant or coloured persons, as the case may be, who have sent children to or who have subscribed for the support of such separate school during the last preceding six months, the names of the children sent and the amounts subscribed, together with a statement of the average attendance of pupils in the separate schools during such period.

Inspector  
to report  
to clerk.

(2) The inspector shall, upon the receipt of the return, forthwith make a return to the clerk of the municipality in which the separate school is established stating the names of all

the persons who being Protestant or coloured persons, as the case may be, contribute, or send children to the separate school.

(3) Except for a rate for building school-houses undertaken before the establishment of the separate school the clerk shall not include in the collector's roll for the general or other school rate and the board of trustees shall not include in their school rolls any person whose name appears upon the last mentioned return. Exemption of super-porters of separate schools from rates.

(4) The clerk or other officer of the municipality within which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall allow any trustee or the authorized collector of the board to make a copy of such roll so far as it relates to their school section. R.S.O. 1927, c. 328, s. 13. Use of assessor's roll by board.

**14.** Sections 27 to 49, 51 to 54 and 90 shall apply to the trustees and teachers of such separate schools. R.S.O. 1927, c. 328, s. 14. Application of ss. 27 to 49, 51 to 54, and 90.

**15.** The trustees of a separate school shall be a body corporate under the name of "The Trustees of the Protestant (or Coloured) Separate School of \_\_\_\_\_ in the Township (City, Town or Village, *as the case may be*), of \_\_\_\_\_," and shall have such powers as to imposing, levying and collecting school rates or subscriptions upon and from persons sending children to or subscribing towards the support of the separate school as are provided by section 67. R.S.O. 1927 c. 328 s. 15. Corporate name. Powers.

## PART II.

### ROMAN CATHOLIC SEPARATE SCHOOLS.

#### ESTABLISHMENT.

**16.** This Part shall apply to separate schools for Roman Catholics now or hereafter established. R.S.O 1927, c. 328, s. 16. Application of following part of Act.

**17.** In this Part,— Interpretation.

- (a) "Regulations" shall mean regulations made under *The Department of Education Act*; "Regulations." Rev. Stat., c. 356.
- (b) "Rural school" shall mean separate school for Roman Catholics in a township or in territory without municipal organization; "Rural school."

"Secretary-treasurer."

(c) "Secretary" or "treasurer" shall include a secretary-treasurer;

"Separate school."

(d) "Separate school" shall mean separate school for Roman Catholics;

"Urban school."

(e) "Urban school" shall mean separate school for Roman Catholics in a city, town or village. R.S.O. 1927, c. 328, s. 17.

Meeting to establish a separate school.

**18.** Not less than five heads of families, being householders or freeholders resident within any public school section of a township, or within a city, town or village, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school therein for the election of trustees. R.S.O. 1927, c. 328, s. 18.

Election of trustees.

**19.** A majority of the persons present, being householders or freeholders, and Roman Catholics, may at such meeting elect from the duly qualified persons the requisite number of trustees. R.S.O. 1927, c. 328, s. 19.

Notice of meeting; and to whom given.

**20.**—(1) Notice in writing that such meeting has been held, and of such election, shall be delivered by one of the trustees so elected to the head of the municipality or to the chairman of the board of public school trustees in the township, village, town or city in which the school is, about to be established, designating by their names, occupations and residences the persons elected as trustees.

Notification of result to Department.

(2) The officer receiving the notice shall endorse thereon the date of its receipt, and shall deliver a copy of the same so endorsed and duly certified by him to such trustee, who shall forthwith transmit the same and a copy of the minutes of the meeting and of the notice calling it to the Department of Education.

Corporate name of trustees.

(3) From and after the delivery of the notice to such officer the trustees therein named shall be a body corporate under the name, in the case of a city, town or village, of "The Board of Trustees of the Roman Catholic Separate Schools for the City (Town or Village, *as the case may be*) of \_\_\_\_\_" and in the case of rural boards of "The Board of Trustees of the Roman Catholic Separate School for School Section Number \_\_\_\_\_, in the Township of \_\_\_\_\_." R.S.O. 1927, c. 328, s. 20.



SCHOOL BOARDS IN TERRITORY WITHOUT MUNICIPAL  
ORGANIZATION.

**21.**—(1) In unorganized townships and in any part of Ontario not surveyed into townships any number of heads of families, not less than ten, who are Roman Catholics, may, at a public meeting called for that purpose, elect three of their number as school trustees, and the trustees so elected shall have all the powers of public school boards in unorganized townships, and shall in all other respects be subject to the provisions of this Act. <sup>Meeting for purpose of electing trustees.</sup>

(2) On receipt of notice by the Department of Education signed by the trustees so elected that a school has been established and suitable accommodation provided for school purposes the Minister of Education may pay to the board out of the appropriation made by this Legislature for public and separate schools such sum for the maintenance of the school as may be approved by the Lieutenant-Governor in Council. <sup>Legislative grants.</sup>

(3) The board may appoint a fit and proper person, who may be one of the trustees, to collect the rates imposed upon the supporters of the school or the sums which the inhabitants or others have subscribed or a rate-bill imposed upon any person, and may pay to such collector at the rate of not less than five nor more than ten per centum on the money collected by him, and every collector shall give such security as may be required by the board. <sup>Appointment of collector.</sup>

(4) Every collector shall have the same powers in collecting the school rate, rate-bill or subscription and shall be under the same liabilities and obligations and proceed in the same manner as a township collector in collecting rates in a township. <sup>Powers and duties of collectors.</sup>  
R.S.O. 1927, c. 328, s. 21.

RURAL SEPARATE SCHOOLS.

*Meetings of Supporters and Elections.*

**22.** For every rural school there shall be three trustees, each of whom, after the first election, shall hold office for three years and until his successor has been elected. <sup>Trustees' term of office.</sup> R.S.O. 1927, c. 328, s. 22.

**23.**—(1) The trustees elected at the first meeting shall hold office,— <sup>Retirement by rotation.</sup>

- (a) the person first elected, for two years from the annual school meeting next after his election and until his successor has been elected;

(b) the person secondly elected, for one year from such annual school meeting and until his successor has been elected;

(c) the person last elected, until the next ensuing annual school meeting and until his successor has been elected.

**Vacancies.** (2) A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

**Resignation.** (3) A trustee may resign with the consent in writing of the other trustees.

**Re-election.** (4) A retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. R.S.O. 1927, c. 328, s. 23.

**Trustees' qualification.** **24.** Any person being a British subject, not less than twenty-one years of age, may be elected as a trustee whether he is or is not a householder or freeholder. R.S.O. 1927, c. 328, s. 24.

**Electors, qualification of.** **25.** Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, shall be entitled to vote at any election for school trustee or on any school question at any annual or special meeting of the supporters of such school. R.S.O. 1927, c. 328, s. 25.

**Annual meeting when held.** **26.—**(1) A meeting of the supporters of the school shall be held annually on the last Wednesday of December, or if that day is a holiday on the next day following, commencing at ten o'clock in the forenoon, or if the board by resolution so directs at seven o'clock in the afternoon, for the purpose, among other things, of electing a school trustee or trustees.

**Organization of meeting.** (2) The supporters of the school present at the meeting shall elect one of themselves to preside over its proceedings and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required of him by this Part.

**Order of business.** (3) The business of the meeting may be conducted in the following order,—

(a) receiving and dealing with the annual report of the trustees;

(b) receiving and dealing with the annual report of the auditors;

(c) electing one or more auditors for the current year;

(*d*) electing a trustee or trustees to fill any vacancy or vacancies; and

(*e*) miscellaneous business.

(4) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman shall not be entitled to vote except in the case of an equality of votes, when he shall give the casting vote, and he shall decide all questions of order subject to an appeal to the meeting. Chairman, duties of.

(5) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record as herein directed the names of all qualified supporters of the school who present themselves within the prescribed time, and shall enter in the poll book, at the head of separate columns, the names of the candidates proposed and seconded, and opposite to such columns shall write the names and residences of the supporters offering to vote, and shall, in the column in which is entered the name of a candidate voted for, set the figure "1" opposite the voter's name. Granting poll and proceedings in case of a poll.

(6) Where a poll is demanded upon a school question by any two supporters the name of each supporter shall be similarly placed opposite separate columns marked "for" or "against." Entries in poll-book.

(7) Where an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration: When voter is objected to.

I, *A.B.*, declare

Declaration by voter.

(*a*) That I am an assessed householder or freeholder in School Section No. —;

(*b*) That I am of the full age of twenty-one years;

(*c*) That I am a supporter of the Roman Catholic Separate School in said School Section No. —;

(*d*) That as such supporter I have the right to vote at this meeting, whereupon the person making such declaration shall be entitled to vote.

(8) The poll shall not close before noon, but shall close at any time thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than four o'clock in the afternoon. When poll shall close.

(9) When the meeting is held at seven o'clock in the afternoon the supporters present may decide by resolution that the Polling at afternoon meetings.

polling shall take place forthwith or at ten o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded.

Trans-  
mitting  
minutes to  
Depart-  
ment.

(10) A correct copy of the minutes of every meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the Department of Education.

Meetings to  
be called in  
default of  
first or  
annual  
meetings.

(11) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time any two supporters of the school may call a meeting by giving six days' notice posted up in at least three of the most public places in the locality in which the school is situate, and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. R.S.O. 1927, c. 328, s. 26.

### *Organization of Board.*

Organiza-  
tion and  
quorum.

**27.** A majority of the trustees shall form a quorum, and the board shall be organized by the election of a chairman and of a secretary and a treasurer or of a secretary-treasurer. R.S.O. 1927, c. 328, s. 27.

Regularity.

**28.** No act or proceeding shall be valid which is not adopted at a regular or special meeting of the board of which notice has been given as required by this Act and at which at least two trustees are present. R.S.O. 1927, c. 328, s. 28.

### *Duties of Secretary.*

Duties of  
secretary.

**29.** It shall be the duty of the secretary to,—

- (a) keep a full and correct record of the proceedings of every meeting of the board in the minute book provided by the trustees, and see that the minutes, when confirmed, are signed by the chairman or presiding trustee;
- (b) call, at the request in writing of two trustees, a special meeting of the board;
- (c) give notice of all meetings to each of the trustees by notifying him personally or in writing, or by sending a written notice to his residence. R.S.O. 1927, c. 328, s. 29.



*Duties of Treasurer.*

**30.** It shall be the duty of the treasurer to,—

Duties of treasurer.

- (a) receive all school money collected from the supporters of the school and account for the same;
- (b) disburse all such money in the manner directed by the board;
- (c) produce all papers and money belonging to the corporation whenever called upon to do so by the board, the auditors or other competent authority, and afford to the auditors all the information in his power as to the receipt and expenditure of school money. R.S.O. 1927, c. 328, s. 30.

*Appointment of Auditor by Minister.*

**31.** Where a board neglects or the ratepayers at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister of Education, upon the request in writing of any five supporters of the school, may make the appointment. R.S.O. 1927, c. 328, s. 31.

Appointment of auditor by Minister.

*Union Boards.*

**32.**—(1) The majority of the supporters of each of the separate schools situate in two or more public school sections, whether in the same or in adjoining municipalities, at a public meeting duly called by the board of each separate school may form a union separate school of which union the trustees shall give notice within fifteen days to the clerk or clerks of the municipality or municipalities and to the Minister of Education, and every union separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes, and shall every year thereafter be represented by three trustees to be elected by the supporters of the union separate school as provided by section 26.

What unions may be formed.

(2) The trustees shall be a body corporate under the name of "The Board of Trustees of the Roman Catholic Union Separate School for the United Sections numbers \_\_\_\_\_ in the \_\_\_\_\_." R.S.O. 1927, c. 328, s. 32.

Corporate name.

*School Sites.*

**33.**—(1) The board shall have power to select a site for a new school-house or to agree upon a change of site for an existing school-house, and shall forthwith call a special meeting

Selection and change of school site.

of the supporters of the school to consider the site selected, and no site shall be adopted or change of school site made except in the manner hereinafter provided without the consent of the majority of such special meeting.

Arbitration  
when  
trustees and  
ratepayers  
differ as to  
site.

Award.

Recon-  
sideration  
of award.

(2) If a majority of the supporters present at such special meeting differ as to the suitability of the site selected, each party shall then and there appoint an arbitrator, and the inspector of separate schools for the district in which the school is situate, or, in case of his inability to act, a person appointed by him to act on his behalf, shall be the third arbitrator, and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them.

(3) With the consent or at the request of the parties to the reference the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award, or the previous one if not reconsidered by the arbitrators, shall be binding upon all parties concerned for at least five years from the date thereof. R.S.O. 1927, c. 328, s. 33.

### *Separation.*

Establish-  
ment of  
separate  
school in a  
portion of  
rural  
section.

**34.—**(1) Where a separate school has been established in a public school section which includes an urban municipality or a portion of an urban municipality, and a township, or a portion of a township, and a majority of the ratepayers assessed as separate school supporters in such township or portion of a township petition the board of such separate school to notify the inspector of separate schools that the separate school supporters in such township or portion of a township are desirous of establishing a separate school therein, the inspector may signify in writing to the board his approval of the establishment of such separate school, and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and such school may be established and trustees may be elected in the manner provided by this Part.

Arbitra-  
tion.

(2) The inspector and two other persons, one of whom shall be chosen by the separate school board of such urban municipality and the other by the board of the separate school so established in such township or portion of a township, shall constitute a board of arbitrators who, or a majority of whom, shall determine what proportion of the assets and liabilities of the original separate school board shall belong to, be paid to or be borne by the separate school board of such urban munic-

pality and the board of such rural separate school respectively, and shall adjust all matters consequent upon such separation, and the award of such arbitrators shall be final and binding.

(3) Nothing in this section shall relieve any property from liability for rates levied or to be levied for payment of school debentures issued prior to the establishment of such township separate school. R.S.O. 1927, c. 328, s. 34.

Property  
liable for  
debentures.

#### URBAN BOARDS.

##### *Trustees and Tenure of Office.*

**35.—**(1) For every ward into which a city or town is divided there shall be two trustees, each of whom, after the first election, shall continue in office for two years.

Trustees in  
city, etc.,  
divided into  
wards.

(2) One of the trustees in each ward chosen at the first election, to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall retire from office at the time appointed for the next annual school election and the other shall continue in office one year longer.

Retirement  
by rotation.

(3) In towns divided into wards the board by resolution may limit the number of trustees to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect, and such limitation shall not come into operation until the close of the current school year.

Number of  
trustees  
may be  
limited to  
six by  
resolution.

(4) When such resolution has been adopted, the election shall thereafter be by vote of the separate school ratepayers of the whole municipality.

Effect of  
adoption of  
resolution.

(5) The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual election, and thereafter three trustees shall be elected annually by the separate school ratepayers of the whole municipality to fill the place of the same number retiring by rotation. R.S.O. 1927, c. 328, s. 35.

Retirement.

**36.—**(1) In every village there shall be six trustees, each of whom, after the first election, shall continue in office for two years.

Trustees in  
village.

(2) Three of the trustees chosen at the first election to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes,

Retirement  
by rotation

shall retire from office at the time appointed for the next annual school election and the other three shall continue in office one year longer. R.S.O. 1927, c. 328, s. 36.

Term of  
office.

**37.** A trustee shall continue in office until his successor has been elected. R.S.O. 1927, c. 328, s. 37.

*Election of Trustees.*

Nomina-  
tions.

**38.**—(1) A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee shall take place at noon on the last Wednesday in the month of December annually, or if that day is a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the board, and in municipalities divided into wards in each ward if the board thinks fit, and the board shall give at least six days' notice of the meeting.

Returning  
officer.

(2) The board shall by resolution name the returning officers to preside at the meetings for the nomination of candidates, and in case of the absence of any such officer, a chairman chosen by the meeting shall preside.

Proceed-  
ings at  
nomina-  
tions.

(3) If at the meeting only the number of candidates necessary to fill the vacant offices is proposed and seconded, the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the board; but if two or more candidates are proposed and seconded for any one office, and a poll in respect of such office is demanded by any candidate or school supporter, the returning officer or chairman shall adjourn the proceedings for filling the office until the first Wednesday of the month of January then next, when polls shall be opened at such places and in each ward, where wards exist, as shall be determined by resolution of the board.

Hours of  
polling.

(4) The polls shall be opened at ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon and no longer, and a poll may close at any time after eleven o'clock in the forenoon when a full hour has elapsed without any vote having been polled.

Place for  
nomination  
and elec-  
tion.

(5) The board shall, before the second Wednesday in December in each year, by resolution, fix the places for the nomination meetings and for holding the election in case of a poll, and name the returning officers who shall preside at the respective polling places, and forthwith give public notice thereof.



(6) The returning officer or chairman shall, on the day after the close of the election, return the poll book to the secretary of the board with his solemn declaration thereto annexed that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

Duty of  
returning  
officer after  
close of  
election.

(7) The secretary shall add up the number of votes for each candidate for any office as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes.

Duty of  
secretary.

(8) If two or more candidates have an equal number of votes at the first meeting of the board held after the election the member present who is assessed highest as a supporter of the school on the last revised assessment roll shall give a vote for one or more of such candidates so as to decide the election.

Casting  
vote.

(9) The voting for the election of trustees and for all other urban school purposes shall be by open vote, except as otherwise provided by section 39.

Voting to  
be open.

(10) In a city or town divided into wards, the clerk of the municipality shall furnish to the board, within three days after request in writing, the voters' list for each ward, annexing thereto a list of the names of all supporters of separate schools for Roman Catholics, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income rated upon the then last revised assessment roll and not being already upon the voters' list.

Furnishing  
voters' list  
in cities and  
towns  
divided into  
wards.

(11) In towns not divided into wards and in villages the clerk of the municipality shall furnish to the board within three days after request in writing the voters' list for each polling subdivision in such town or village as provided by subsection 10.

Furnishing  
voters' list  
in towns not  
divided into  
wards, and  
in villages.

(12) The board shall provide every polling place with such lists and with a poll book.

For each  
polling  
place.

(13) At every election at which a poll is demanded, the returning officer or chairman or the poll clerk shall enter in the poll book at the head of separate columns the names of the candidates proposed and seconded at the nomination, and shall opposite to such columns write the names and residences of the school supporters offering to vote at the election, and shall in each column in which is entered the name of the candidate voted for set the figure "1" opposite the voter's name, and where a poll is demanded upon any school question the name of each voter shall be similarly placed opposite separate columns headed "for" or "against."

Entries in  
poll book.

Declaration  
by voters.

(14) If an objection is taken to the right of any person to vote, the returning officer or chairman shall require the person whose right to vote is objected to to take the declaration mentioned in subsection 7 of section 26.

Where non-  
resident is  
to vote.

(15) Where a school supporter resides without the municipality in which the school is situate, he shall be entitled to vote in that ward or division of the municipality in which the school-house is situate which is nearest to his place of residence. R.S.O. 1927 c. 328, s. 38.

Furnishing  
voters' list  
of separate  
school  
supporters  
to board.

(16) In cities and towns, the clerk of the municipality, instead of furnishing to the board the lists as provided in subsection 10 or 11 shall, within three days after request in writing, furnish to the board the voters' list for each ward or polling subdivision, as the case may be, with the letter "S" marked or written therein opposite the name of every supporter of separate schools for Roman Catholics and after the name of every Roman Catholic wife or husband of such supporter. 1933, c. 58, s. 31.

Adoption  
of ballot.

**39.**—(1) The board may, by resolution passed between the 1st day of May and the 1st day of October in any year, require the election of members of the board to be by ballot and to be held on the days on which the annual municipal elections are held.

Discontinu-  
ance.

(2) The board may in like manner discontinue the use of the ballot, and thereafter elections shall be conducted as provided by section 38.

Ballot not  
to be dis-  
continued  
or resumed  
for three  
years after  
the change.

(3) Where the board requires the voting to be by ballot and elections are so held, no change shall be made in the mode of voting for a period of three years, and if the mode of voting by ballot is discontinued, the provisions of section 38 shall apply for a period of three years at least after such discontinuance. R.S.O. 1927, c. 328, s. 39.

Municipal  
Act to  
apply.

Rev. Stat.,  
c. 266.

**40.** Where the voting is to be by ballot, the provisions of *The Municipal Act* for and relating to holding the annual municipal elections, including those as to recount, secrecy of proceedings, offences and penalties, shall apply *mutatis mutandis*, except that,—

Form of  
oath.

(a) the oath to be taken by a voter shall be:

You swear that you are the person named (*or intended to be named*) in the list of voters now shown to you (*showing the list to the voter*);

That you are a ratepayer;

That you are of the full age of twenty-one years;

That you are a Roman Catholic separate school supporter;

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God;

- (b) when the result of the polling is indecisive by reason of two or more candidates having an equal number of votes, all of them shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election; Casting vote.
- (c) the duties to be performed by the clerk shall be performed by the secretary; and Duties of secretary.
- (d) the word "secretary" shall be substituted for the words "clerk" or "clerk of the municipality" wherever they occur. R.S.O. 1927, c. 328, s. 40. Substituted term.

**41.** In cities and towns every person whose name is on the voters' list as entitled to vote at municipal elections and who is a supporter of separate schools for Roman Catholics, or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, shall be entitled to vote at the election of trustees of the Roman Catholic separate schools. 1933, c. 58, s. 32. Election of trustees,—who may vote.

### *Irregularities Not to Void Elections.*

**42.** No election shall be invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election. R.S.O. 1927, c. 328, s. 41. No election to be invalid for want of compliance with principles of Act where result not affected.

*Controverted Elections.*

Investigation of complaints by judge.

**43.**—(1) A judge of the county or district court, if a complaint respecting the validity or mode of conducting the election of any trustee in any municipality within his county or district is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon within a reasonable time, in a summary manner, hear and determine the same.

Powers of judge.

(2) The judge may by order cause the assessment rolls, collectors' rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or by oral testimony, and may cause such persons to appear before him as he may deem expedient, and may confirm the election or set it aside, or declare that some other candidate was duly elected.

Order of judge.

(3) The judge may order a person found by him not to have been duly elected to be removed, and if the judge determines that any other person was duly elected, he may order him to be admitted, and if he determines that no other person was duly elected instead of the person removed, he shall order a new election to be held and shall report such decision to the secretary of the board.

Bribery and undue influence.

Rev. Stat., c. 266.

(4) The provisions of *The Municipal Act* as to bribery and undue influence shall apply, and, where the election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only. R.S.O. 1927, c. 328, s. 42.

## MEETINGS OF THE BOARD.

Chairman at first meeting.

**44.**—(1) At the first meeting in each year the secretary shall preside or, if there is no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member.

Casting vote.

(2) In case of an equality of votes at the election of chairman, the member present who is assessed as a separate school supporter for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member.

Subsequent meetings.

(3) Subsequent meetings of the board shall be held at such times and places as may from time to time be fixed by resolution of the board.



(4) Special meetings of the board may be called by the chairman, and shall be called on the request in writing of two members of the board specifying the objects for which the meeting is to be held, which shall also be stated in the notice calling the meeting. Special meetings.

(5) The chairman shall preside or, in his absence, any member appointed to act as chairman by the majority of those present, and the chairman or member so acting may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. Presiding officer.  
Equality of votes.

(6) A majority of the members of the board shall constitute a quorum, but for the purposes of subsection 8 of section 38, a majority of the trustees remaining in office shall constitute a quorum. R.S.O. 1927, c. 328, s. 43. Quorum.

#### DUTIES AND POWERS OF TRUSTEES.

**45.** It shall be the duty of every board and it shall have power to,— Duties of board.

(a) appoint a secretary and a treasurer or a secretary-treasurer and one or more collectors, if requisite, of the school fees or rate-bills; Appointment of officers.

(i) the collector or collectors, and secretary and treasurer, or secretary-treasurer may be members of the board, and shall discharge duties, be subject to obligations and penalties, and have powers similar to those of like officers of the corporation of a municipality;

(b) appoint annually on or before the 1st day of December an auditor or auditors; Appointment of auditors.

(c) lay all the accounts of the board before the auditors, together with the agreements, vouchers, contracts and books in its possession, and afford the auditors all the information in its power as to the receipt and expenditure of school money; Accounts.

(d) provide adequate accommodation and legally qualified teachers, according to the provisions of this Act and the regulations, for all children between the ages of five and twenty-one years of the supporters of the schools under the control of the board according to the annual enumeration of the assessors for the next preceding year; To provide accommodation and teachers.

(e) acquire or rent school sites and premises, and build, repair, furnish and keep in order the school houses, To provide and maintain school premises.

furniture, fences and all other school property, and keep the wells, closets and premises in proper sanitary condition; R.S.O. 1927, c. 328, s. 44 (*a-e*);

Collection  
of rates.

- (*f*) where the board does not appoint a collector, apply to the municipal council, on or before the 1st day of August in each year, for the levying and collection of all sums for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board, laying before the council an estimate of such sums, and such moneys shall be paid to the board on the warrant of the proper inspector; R.S.O. 1927, c. 328, s. 44 (*f*); 1930, c. 63, s. 20.

Notice of  
names and  
addresses.

- (*g*) give notice in writing, before the 15th day of January in each year, to the Department of Education of the names and post office addresses of the trustees then in office and of the teachers employed by the board, and give reasonable notice in writing from time to time of any changes therein;

Orders for  
money  
expended.

- (*h*) give orders on the treasurer of the board for all money to be expended for school purposes;

Exemp-  
tions and  
notice  
thereof.

- (*i*) exempt, in its discretion, from the payment of school rates wholly or in part, any indigent person, and give notice of such exemption, when the school rate is collected by the municipal council, to the clerk of the municipality on or before the 1st day of August;

Dismissal  
of refrac-  
tory pupils.

- (*j*) dismiss from a school any pupil who is adjudged by the board and the teacher to be so refractory that his presence in school is injurious to other pupils, and, where practicable, remove such pupil to an industrial school;

Possession  
and custody  
of property.

- (*k*) take possession and have the custody and safe keeping of all school property, acquired or given for school purposes, and acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received; and dispose by sale or otherwise of any school site or school property not required in consequence of a change of school site or other cause, and convey the same and apply the proceeds thereof to school purposes or as provided by this Act;

- (l) prepare and transmit annually, before the 15th day of January, to the Minister of Education, in the prescribed form, a report signed by the chairman containing all information required by the regulations; Annual report.
- (m) exercise all such other powers and perform all such other duties of public school boards as are applicable to the case of separate schools, except as to matters as to which other provision is made by this Act; Other powers and duties.
- (n) see that every school under its charge is conducted according to this Act and the regulations, and provide school registers and a visitors' book in the prescribed form; Super- vision.
- (o) at its discretion pay the travelling expenses of any member of the board or of any teacher in its employment incurred in attending meetings of the Ontario Educational Association or other like association of teachers in Ontario; Travelling expenses attending teachers' association.

In the case of an urban board,—

- (p) determine the number, kind, grade and description of schools to be established and maintained, the teachers to be employed, the terms on which they are to be employed, the amount of their remuneration and the duties which they are to perform; Determine number and kind of schools, etc.
- (q) appoint from its members annually, or oftener if deemed expedient, and under such regulations as may be deemed proper, a committee of not more than three for the special charge, oversight and management of each school within the city, town or village, and see that all the schools under its charge are conducted according to the regulations; To appoint a committee for each school.
- (r) collect, at its discretion, from the parents or guardians of children attending any school under its charge a sum not exceeding twenty cents per month per pupil to defray the cost of text-books, stationery and other contingencies, and see that all the pupils are duly supplied with a uniform series of text-books; Books and school supplies.
- (s) expend such sums as it may deem expedient for establishing and maintaining cadet corps and for promoting and encouraging gymnastic or other athletic exercises not exceeding \$200 per annum where the annual registered attendance of pupils does not exceed 3,000, and \$50 additional for each additional 1,000, and provide uniforms for classes in military drill; Cadet corps and athletics.

In the case of a rural board,—

Time and  
place of  
meetings.

(t) appoint the place of each annual school meeting of the supporters of the school, and the time and place of any special meeting for,—

(i) filling any vacancy in the board,

(ii) the selection of a new school site,

(iii) the appointment of a school auditor, or

(iv) any other school purpose, and cause notices of the time and place and of the objects of such meetings to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting;

Payment of  
salaries.

(u) arrange for the payment of teachers' salaries quarterly and, if necessary, borrow on its promissory note, under the seal of the corporation, at interest not exceeding eight per centum per annum, the money required for that purpose until the taxes are collected;

Annual  
report.

(v) cause to be prepared and read at the annual school meeting a report for year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the receipts and expenditures of all school money during such year, and signed by the chairman and by one or both of the school auditors;

Report on  
blind, deaf  
and dumb.

(w) ascertain and report to the Minister of Education, at least once in each year, the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf and dumb or blind;

Providing  
attendance  
for minor  
surgical  
operations.

(x) if deemed expedient, to provide for surgical treatment of children attending the school suffering from minor physical defects, where in the opinion of the teacher and (where a school nurse and medical inspector is employed) of the nurse and medical inspector, the defect interferes with the proper education of the child, and to include in their estimates for the current year the funds necessary for cases where the parents are not able to pay. R.S.O. 1927, c. 328, s. 44 (g-x).



## VACANCY IN OFFICE OF TRUSTEE.

**46.**—(1) If a vacancy in the office of trustee occurs from any cause the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor held office. Vacancy in office of trustee.

(2) The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and, in the case of an urban board, the board shall give at least six days' notice of the meeting for the nomination of candidates, and, if a poll is demanded, the election shall be held one week from the day of the nomination. R.S.O. 1927, c. 328, s. 45. Proceedings at new election.

## TEACHERS.

**47.** Every agreement between a board and teacher, to be valid and binding, shall be in writing signed by the parties thereto, and sealed with the corporate seal of the board, and may include a stipulation to provide the teacher with board and lodging. R.S.O. 1927, c. 328, s. 46. Valid agreements with teacher.

**48.** It shall be the duty of every teacher to,— Duties of teacher.

- (a) teach diligently and faithfully all the branches required to be taught in the school according to the terms of his agreement with the board and according to the provisions of this Act and the regulations; Instruction.
- (b) keep in the prescribed form the general, entrance, and daily class or other registers of the school, and record therein the admission, promotion, suspension or removal of the pupils; Keeping registers.
- (c) maintain proper order and discipline in his schools according to the regulations; Order and discipline.
- (d) keep a visitors' book, which the board shall provide, and enter therein the visits made to his school, and request every visitor to enter therein any remarks suggested by his visit; Visitors' book.
- (e) afford the trustees and visitors access at all times when desired by them to the registers and visitors' book; Give access to register and visitors' book.
- (f) deliver up the school register, visitors' book, school-house key or other school property in his possession on the demand or order of the board; Deliver up register and key.

- (i) in case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the board ;

Examina-  
tions.

- (g) hold during each term a public examination of his pupils, of which he shall give due notice to the trustees, to any school visitors whose place of residence is adjacent to the school-house, and through the pupils to their parents or guardians ;

To furnish  
information  
to the  
Minister  
and  
inspector.

- (h) furnish to the Minister of Education, or to the separate school inspector, from the trustees' report or otherwise, any information which it is in his power to give respecting anything connected with the operations of his school or in any wise affecting its interest or character ;

To prepare  
reports.

- (i) prepare so far as the school registers supply the information such reports of the board as are required by the regulations. R.S.O. 1927, c. 328, s. 47.

Change of  
text-books.

**49.** An authorized text-book in actual use may be changed by the teacher for any other authorized text-book on the same subject with the written approval of the board and subject to the regulations. R.S.O. 1927, c. 328, s. 48.

Certificates  
to teachers  
of separate  
schools.

**50.** Subject to the provisions of the Act passed in the seventh year of the reign of His late Majesty King Edward the Seventh, chaptered 52, and the amendments thereto, teachers shall be subject to the same examinations and receive their certificates of qualification in the same manner as public school teachers. R.S.O. 1927, c. 328, s. 49.

Proportion  
of salary  
to which  
teacher is  
entitled.

**51.** Unless otherwise expressly agreed a teacher shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year. R.S.O. 1927, c. 328, s. 50.

Case of  
sickness or  
dental  
treatment.

**52.** Every teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery ; but the period of four weeks may, in any case of sickness, be allowed and extended at the pleasure of the board without a certificate. R.S.O. 1927, c. 328, s. 51.

**53.** If at the expiration of a teacher's engagement, his salary has not been paid in full the salary shall continue to run at the rate mentioned in the agreement until paid if an action to recover it is commenced within three months after the salary is due and payable. R.S.O. 1927, c. 328, s. 52.

Protection of teachers in regard to salary.

**54.**—(1) All matters of difference between a board and a teacher in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, subject to appeal as is provided by section 124 of *The Public Schools Act*. R.S.O. 1927, c. 328, s. 53 (1) ; 1928, c. 53, s. 8.

Provision in case of difference between teacher and trustees.

Rev. Stat., c. 357.

(2) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was reasonable ground for the board disputing its liability, and that it was willing and offered to pay to the teacher any sum not so in dispute, the judge may relieve the board from the liability imposed by section 53 in whole or in part. R.S.O. 1927, c. 328, s. 53 (2).

When judge may relieve board from extra liability.

#### ASSESSMENTS, BORROWING POWERS AND GRANTS.

**55.**—(1) Every person paying rates, whether as owner or tenant, who by himself or his agent, on or before the 1st day of March in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and a supporter of a separate school situate in the municipality or in a municipality contiguous thereto shall be exempt from the payment of all rates imposed for the support of public schools and of public school libraries, or for the purchase of land or the erection of buildings for public school purposes within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter while he continues a supporter of a separate school.

Exemption of supporters of separate schools from payment of public school rates on giving certain notice.

(2) The notice shall not be required to be renewed annually.

No renewal required.

(3) Where an owner or tenant is not, on or before the 1st day of March in any year, a resident of the municipality or rated upon the assessment roll thereof, but subsequently becomes so resident or liable to be so rated before the time for appealing from the assessment to the court of revision, he shall be entitled to give the notice provided for by this section at any time before the expiration of the time for appealing, and a notice so given shall have the same effect as if given on or before the 1st day of March of the year in which it is given.

Time for giving notice by separate school supporter becoming resident in municipality.

(4) Every clerk of a municipality, upon receiving such notice, shall deliver a certificate to the person giving the notice

Certificate of notice.

to the effect that the same has been given and showing the date thereof.

Penalty for  
wilful false  
statements  
in notice.

(5) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from the rates, and in addition shall incur a penalty of \$40.

As to rates  
imposed  
before  
separate  
school es-  
tablished.

(6) Nothing in this section shall exempt any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a school-house or school-houses, imposed before the establishment of the separate school. R.S.O. 1927, c. 328, s. 54.

Residence of  
supporters  
of separate  
schools.

**56.** Subject to the other provisions of this Part, no person shall be deemed a supporter of a separate school unless he resides within three miles in a direct line of the site of the school-house. R.S.O. 1927, c. 328, s. 55.

Where  
supporter  
resides  
within three  
miles of two  
or more  
schools.

**57.**—(1) A supporter of a separate school whose residence is within three miles of two or more separate schools shall be *ipso facto* a supporter of the school nearest by road to his place of residence; but nothing herein shall affect the liabilities or obligations of a separate school supporter for debts incurred before the 7th day of April, 1896, by the board of the school of which he was a supporter.

Saving as  
to debenture  
debt.

(2) A supporter of a separate school having a debenture debt shall not be bound to become a supporter of another school while any part of such debt remains unpaid. R.S.O. 1927, c. 328, s. 56.

Where  
person  
residing  
out of munici-  
pality  
to vote.

**58.** When a supporter of an urban school resides without the municipality in which the school is situate he shall be entitled to vote in the ward or polling subdivision in which the school-house nearest to his place of residence is situate if within the distance of three miles in a direct line. R.S.O. 1927, c. 328, s. 57.

Liability  
of non-  
resident  
supporter.

**59.**—(1) Where a person is entitled to be and is a supporter of a separate school situate in a municipality other than that in which he resides he shall be exempt from the payment of separate school taxes or rates in the municipality in which he resides, but shall be liable to pay and shall pay the school taxes or rates to the board of the school of which he is a supporter, and the same shall be based upon his assessment in the municipality in which he resides.

How en-  
forceable.

(2) The board of the school of which he is a supporter shall on or before the 1st day of August in each year notify



the clerk of the municipality in which such supporter resides that he is a supporter of such school, and of the amount of the school taxes or rates payable by him, and the same shall be entered upon the collector's roll of the municipality for that year and collected in like manner as other taxes, and when collected shall be paid over to the board. R.S.O. 1927, c. 328, s. 58.

**60.** Any person who, if resident in a municipality, would be entitled to be a supporter of a separate school therein or in an adjoining municipality may, on giving the notice provided for by *The Assessment Act* that he is the owner of unoccupied land situate in either the municipality, required that all such land as is situate either in the municipality wherein the separate school is situate or within the distance of three miles in a direct line of the site of the separate school shall be assessed for the purposes of the separate school, and the assessor shall thereupon enter such person in the assessment roll as a separate school supporter only. R.S.O. 1927, c. 328, s. 59.

Right of non-residents to be assessed for separate school.

Rev. Stat., c. 272.

**61.**—(1) A Roman Catholic who desires to withdraw his support from a separate school shall give notice thereof in writing to the clerk of the municipality before the second Wednesday in January in any year, otherwise he shall be deemed to be a supporter of the school.

Notice of withdrawal of support.

(2) A person who has withdrawn his support from a Roman Catholic separate school shall not be exempt from paying rates for the support of separate schools or separate school libraries, or for the erection of a separate school-house, imposed before the time of his withdrawing such support. R.S.O. 1927, c. 328, s. 60.

Exception.

**62.**—(1) The clerk of every municipality shall keep entered in an index book (Form A) and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by sections 55, 61, 65 and 66, or by former Acts respecting separate schools.

Clerk to keep index book.

(2) The clerk shall enter opposite the name, in a column for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 61, or by any such other Act, with the date of such withdrawal, or any disallowance of the notice by the court of revision or by a judge of the county or district court, with the date of such disallowance.

Entries.

Inspection. (3) The index book shall be open to inspection by any ratepayer.

Filings. (4) The clerk shall file and carefully preserve all such notices heretofore or hereafter received.

Assessor to be guided by index book. (5) The assessor shall be guided by the entries in the index book in ascertaining who have given the prescribed notices. R.S.O. 1927, c. 328, s. 61.

Correction of mistakes in assessing. **63.**—(1) If it appears to the council of any municipality after the final revision of the assessment roll that through mistake or inadvertence a ratepayer has been entered on the roll either as a supporter of separate schools or as a supporter of public schools the council after due inquiry and notice may correct such error by directing the school taxes of such ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the court of revision or of a judge on appeal.

Liability. (2) In case of such action by a council the ratepayer shall be liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. R.S.O. 1927, c. 328, s. 62.

Distinguishing the school rates. **64.**—(1) The clerk of every municipality, in making out the collector's roll, shall place columns therein so that under the heading of "School Rate" the public school rate may be distinguished from the separate school rate, and that under "Special Rate for School Debts" public school purposes may be distinguished from separate school purposes.

Idem. (2) The proceeds of any such rate shall be kept distinguished by the collector and accounted for accordingly. R.S.O. 1927, c. 328, s. 63.

Case of owner and occupant. **65.**—(1) Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant shall be deemed to be the person primarily liable for the payment of school rates and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall alter or affect this provision.

When owner may exercise option. (2) Where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rate are not the same he shall only be

liable to pay the amount of the rate of the schools to which he directs his money to be paid. R.S.O. 1927, c. 328, s. 64.

**66.**—(1) A corporation by notice (Form B) to the clerk of any municipality wherein a separate school exists may require the whole or any part of the land of which such corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of such corporation made under *The Assessment Act*, to be entered, rated and assessed for the purposes of such separate school. Right of corporation to support separate schools.  
Rev. Stat., c. 272.

(2) The assessor shall thereupon enter the corporation as a separate school supporter in the assessment roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes. Duty of assessor.

(3) Unless all the stock or shares are held by Roman Catholics the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares. How proportions settled.

(4) A notice given in pursuance of a resolution of the directors shall be sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors. Effect of notice.

(5) Every notice so given shall be kept by the clerk on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect an assessment roll. Filing notice.

(6) The assessor shall in each year, before the return of the assessment roll, search for and examine all notices which may be so on file and shall follow and conform thereto and to the provisions of this Act. 1937, c. 72, s. 57 (1), *part*. Search for notices.

**67.**—(1) The board of a separate school may impose and levy school rates and collect school rates and subscriptions upon and from persons sending children to or subscribing towards Powers of trustees.

the support of such schools, and may appoint collectors for collecting the school rates or subscriptions who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities.

Land on which there are rates uncollected.

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment, by reason of there being no person resident thereon or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality before the end of the then current year of such land and the uncollected rates thereon.

Return.

(3) The clerk shall make a return to the county, city, town or village treasurer of such land and the arrears of separate school rates thereon.

Collection of rates.

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

Deficiency.

(5) The council of the township, village, town or city in which the separate school is situate shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. R.S.O. 1927, c. 328, s. 66.

Trustees may copy assessment roll of municipality.

**68.** The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. R.S.O. 1927, c. 328, s. 67.

Clerk to give trustees annual statement of supporters of separate schools.

**69.** The clerk of a municipality in which there is a separate school shall, once in each year, upon the written request of the board, deliver to it a statement in writing showing the names of all persons appearing upon the assessment roll for the current year who have given the notice required by section 55, with the amount for which each person has been rated upon the assessment roll. R.S.O. 1927, c. 328, s. 68.

Collection of separate school rates by the municipality.

**70.—**(1) A municipal council, if so requested by the board at or before the meeting of the council in the month of August in any year, shall, through their collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools.

Expenses of collection.

(2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation or any of its officers shall be borne by the corporation, and the rates or taxes, as and when collected, shall within a reasonable time



thereafter, and not later than the 14th day of December in each year, be paid over to the board without any deduction whatever. R.S.O. 1927, c. 328, s. 69.

**71.** In a municipality in which the assessment is made under a by-law passed under section 59 of *The Assessment Act* the notices required to be given under subsection 1 of section 55 shall be given on or before the 15th day of July, and the notice required to be given under subsection 1 of section 61 shall be given on or before the fourth Wednesday in May, and the request referred to in section 70 shall, if given, be given at the time mentioned therein or prior thereto if required by the council, and in subsection 3 of section 55 the words "1st day of March," in the second and ninth lines thereof, shall be read "15th day of July." R.S.O. 1927, c. 328, s. 70.

Dates for giving certain notices where taxes collected on assessment of preceding year.

Rev. Stat., c. 272.

**72.**—(1) A separate school board and the council of a municipality, three-fifths of whose members are not separate school supporters, may enter into an agreement for a term of years that for each year of the term and at such times and in such sums as may be agreed upon, in lieu of and as being the amount to be levied and collected in such year for separate school purposes, there shall be paid by the corporation of the municipality to the board a fixed proportion of the total amount levied and collected within the municipality in and for the year for both public and separate school purposes.

Agreements between municipality and trustees as to payment in lieu of separate school rate.

(2) If in and for any year the rate of assessment actually levied for separate school purposes within the municipality is not the same as that actually levied therein for public school purposes the agreement shall not be in force for or apply to such year.

Exception.

(3) The agreement may be determined by either of the parties thereto at the end of any calendar year on giving six months' previous notice to the other party. R.S.O. 1927, c. 328, s. 71.

Termination.

**73.** The separate school board of a municipality or in a school section or union school section shall have and may exercise the same rights, powers and privileges with respect to the establishment and maintenance of continuation schools and shall be subject to the same duties and obligations with respect to such schools as the public school board of the municipality, section or union school section as the case may be. R.S.O. 1927, c. 328, s. 72.

Right to establish and maintain continuation schools.

**74.**—(1) The council of every county shall levy and collect by an equal rate upon the taxable property of the whole county,

County rate in aid of schools.

according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned by the Minister on the basis of the equipment and accommodations of the rural schools of the county, and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

County to raise equivalent to legislative grant for fifth classes.

(2)<sup>1</sup> The council of every county shall levy and collect by an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the schools in the municipality for fifth classes, and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

Apportionment of school money in united counties.

(3) The council of two or more counties united for municipal purposes may apportion the amount to be levied under this section so that each county forming the union shall be liable only for sums payable in respect of public and separate schools within such county.

Grant for maintenance of fifth forms.

(4) Where a board establishes and maintains a fifth form in any one of its schools and is entitled under the regulations to share in respect of it in the legislative grant for fifth forms the council of the county in which the school is situate shall pay towards the maintenance of the fifth form a sum at least equal to the share of such legislative grant which the board receives in respect of it, and may contribute for its maintenance such further sum as it may deem expedient.

How apportioned between counties.

(5) In the case of a separate school having in attendance children from two or more counties the council of each county shall pay a proportion of the whole sum required to be paid under subsection 4 which bears the same ratio to the whole sum as the number of children resident in it attending the school, as shown by the school register, bears to the whole number of children in attendance. R.S.O. 1927, c. 328, s. 73.

Sinking funds for separate school debentures.

**75.** Notwithstanding anything contained in any by-law or resolution heretofore or hereafter passed by any board of separate school trustees or in any debenture issued thereunder, the board may at any time by by-law provide that all moneys theretofore or thereafter collected on account of sinking fund for payment of any such debenture shall,—

Rev. Stat., c. 266.

(a) be paid over to the Treasurer of Ontario to be dealt with as provided in section 328 of *The Municipal Act*, or

- (b) be invested in securities of the Province of Ontario and for that purpose the board may sell or dispose of any securities in which such sinking fund moneys shall have theretofore been invested or withdraw such moneys from any loan company, trust company or bank in which they may be deposited. R.S.O. 1927, c. 328, s. 74.

**76.**—(1) The board of a separate school may pass by-laws for borrowing money for school purposes and for making mortgages and other instruments for the security and payment thereof, or of money payable or to be paid for school sites, school buildings or additions thereto, or the repairs thereof, upon the school-house property and premises or any other real or personal property vested in the board, or upon the separate school rates, and any ratepayer who was a separate school supporter at the time when the loan was effected on the security of the property or rates shall, while resident within the section or municipality within which the separate school is situate, continue to be liable for the rate to be levied for the repayment of the money so secured.

Borrowing  
powers of  
trustees of  
separate  
schools.

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money which it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in such year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected.

Terms of  
payment.

(3) Such mortgages and other instruments may in the discretion of the board be made in the form of debentures, and the debentures shall be a charge on the same property and the rates as in the case of mortgages thereof made by the board.

Debentures.

(4) The debt to be so incurred and the debentures to be issued therefor may be made payable in thirty years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by *The Municipal Act* in the case of debentures issued under that Act.

Maturity.

Rev. Stat.,  
c. 266.

(5) Where the debt is not payable by instalments the board shall levy in each year during its currency in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it

Sinking  
fund.

becomes payable, which shall be invested in the manner provided by *The Municipal Act* as to the investment of sinking funds.

Publication  
of by-law.

(6) Every such by-law, before being acted upon, shall be published at least for three successive weeks in some public newspaper published weekly or oftener in the city, town or county in which the separate school is situate, and if no application to quash the by-law is made for three months after the publication thereof the by-law shall be valid, notwithstanding any want of substance or form in the by-law or in the time or manner of passing the same.

Amounts.

(7) The debentures issued under the by-law may be for such amounts as the board may deem expedient. R.S.O. 1927, c. 328, s. 75.

Right of  
separate  
schools to  
a share of  
municipal  
grant.

**77.**—(1) Every separate school shall be entitled to share in all grants, investments and allotments for public school purposes now or hereafter made by any municipal authority according to the average number of pupils attending the school during the next preceding twelve months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township.

Apportion-  
ment.

(2) Where the grant is made by a county council the same shall be apportioned in like manner as the legislative grant.

But not to  
any share  
of local  
assessment  
for public  
schools.

(3) A separate school shall not be entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village or township in which the school is situate. R.S.O. 1927, c. 328, s. 76.

#### MISCELLANEOUS.

Visitors of  
separate  
schools.

**78.** The Minister of Education, the judges of all courts, members of the Assembly, heads of the municipal corporations in their respective localities, the inspectors of public schools and clergymen of the Roman Catholic Church shall be visitors of separate schools. R.S.O. 1927, c. 328, s. 77.

Inspection  
of schools.

**79.** The schools with their registers shall be subject to such inspection as may be directed by the Minister of Education and shall be subject also to the regulations. R.S.O. 1927, c. 328, s. 78.

Model  
schools.

**80.** The Minister of Education may, subject to the regulations, constitute a separate school in any county or district a model school for the training of teachers for separate schools. R.S.O. 1927, c. 328, s. 79.



**81.** In the event of a disagreement between a board and the inspector of public schools or any municipal authority or of a complaint against the election of a rural school trustee or against the establishment of a school in close proximity to an existing school, or any other proceeding of a rural school meeting, signed by five supporters of the school concerned or of such existing school, the matter in difference shall be determined by the Minister of Education, subject to an appeal to the Lieutenant-Governor in Council, whose decision shall be final. R.S.O. 1927, c. 328, s. 80.

Disagree-  
ment  
between  
trustees,  
inspectors,  
etc.

#### SUPERANNUATION.

**82.** Every teacher and inspector whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers may continue to contribute to such fund, in such manner as may be prescribed by the regulations, at least \$4 annually, but no payment of arrears which accrued before the 1st day of January, 1885, shall be allowed. R.S.O. 1927, c. 328, s. 81.

Superannua-  
tion fund.

**83.** On the death of any such teacher or inspector, the wife, husband or legal representative of such teacher or inspector shall be entitled to receive the amount paid into the superannuation fund by such teacher or inspector with interest at the rate of seven per centum per annum. R.S.O. 1927, c. 328, s. 82.

Repayment  
to wife, etc.,  
of deceased  
teacher.

**84.**—(1) Every such teacher and inspector who while engaged in his profession has contributed to the fund for superannuated teachers as provided by this Act shall on reaching the age of sixty years, if he retires from the profession, receive an allowance at the rate of \$6 per annum for every year of service in Ontario upon furnishing evidence of good moral character, age and length of service.

Allowance  
upon  
retirement  
at sixty  
years of age.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation by reason of his having retired from active service before reaching that age, if he has served for a period of thirty years. R.S.O. 1927, c. 328, s. 83.

Or after  
thirty years'  
service.

**85.** Every such teacher and inspector under sixty years of age who has so contributed and who is disabled from practising his profession shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character and disability. R.S.O. 1927, c. 328, s. 84.

Retirement  
through  
disability

**86.**—(1) Every superannuated teacher and inspector who hold a first or second class provincial certificate, or a first class

Extra  
allowance to  
certain  
teachers.

county board certificate, or who has been a principal of a high school or collegiate institute, shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as principal of a high school or collegiate institute.

When allowance to cease.

(2) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place. R.S.O. 1927, c. 328, s. 85.

Teacher resuming profession.

**87.** If a superannuated teacher or inspector, with the consent of the Minister of Education, resumes the profession of a teacher or inspector the payment of his allowance shall be suspended during the time he is so engaged, and if he is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act and the regulations. R.S.O. 1927, c. 328, s. 86.

Again retiring.

Forfeiture of claim.

**88.** A teacher or inspector who having resumed his profession wilfully draws or continues to draw upon the superannuation fund shall forfeit all claim to the fund and his name shall be struck off the superannuation list. R.S.O. 1927, c. 328, s. 87.

Repayment to contributors.

**89.** A teacher or inspector who retires from the profession or who desires to remove his name from the list of contributors to the superannuation fund shall be entitled to receive back one-half of any sum contributed by him to the fund. R.S.O. 1927, c. 328, s. 88.

Teachers not availing themselves of Act.

**90.** Where a teacher or inspector does not avail himself of the provisions of section 82 or of section 89, sections 83 to 88 shall apply so far as relates to all sums already paid by them into the superannuation fund. R.S.O. 1927, c. 328, s. 89.

Grant by board to superannuation fund.

**91.**—(1) Subject to the regulations the separate school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein, and may make it a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules.

Power of investment.

(2) A separate school board may invest any money received through legacy, gift or otherwise in its hands for the purposes of a superannuation fund and as to such money shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. R.S.O. 1927, c. 328, s. 90.

Rev. Stat., c. 165.

**92.**—(1) The board may establish a pension fund for officers and employees, other than teachers and inspectors, or any class or classes thereof, entitled to annual pensions or superannuation allowances upon their retirement from office or employment with the board.

Pension fund for officers and employees of board.

(2) Every pension fund so established shall provide for contributions thereto by officers and employees of the board and by the board itself upon such basis as may be requisite to ensure the actuarial soundness of the pension fund and every resolution for the establishment of a pension fund shall be subject to the approval of the Superintendent of Insurance for Ontario and shall make provision for the management of the fund and of investments forming any part thereof and as to the contributions to and payments from the fund and otherwise as may be necessary, and for vesting such management in a board, hereinafter referred to as the "management board", constituted as set forth in the resolution.

Contribution by officers and employees.

(3) The rights, privileges, liabilities and responsibilities of every contributor to a pension fund so established shall be as set forth in the resolution establishing the same and the rules and regulations prescribed by the management board.

Rights, privileges and liabilities.

(4) The management board of a pension fund shall have such powers as are set forth in the resolution establishing the fund, and may make such rules and regulations for the management of the fund and investments forming any part thereof, and respecting the rights, privileges, liabilities and responsibilities of the contributors to the fund as to the management board may from time to time appear necessary or expedient but not so as to conflict with the resolution establishing the pension fund.

Management board,—powers of.

(5) The board shall have the power to, and it shall yearly provide such sum or sums in contribution to the pension fund as may be provided for in the resolution establishing the same.

Contributions by board.

(6) Subject to the approval of the Superintendent of Insurance for Ontario being first obtained, any resolution establishing a pension fund may from time to time be amended by the board.

Amendment of resolution by board.

(7) A board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. 1936, c. 55, s. 43.

Gifts, etc.,—investment of.

Rev. Stat., c. 165.

#### SCHOOL YEAR AND HOLIDAYS.

**93.**—(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall

Terms.

end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June. R.S.O. 1927, c. 328, s. 91 (1).

When  
opening or  
closing days  
Friday or  
Monday.

(2) When the 1st day of September is a Friday the schools shall not be opened until the following Tuesday, when the 3rd day of January is a Friday the schools shall not be opened until the following Monday, when the 29th day of June or the 22nd day of December is a Monday, the schools shall be closed on the preceding Friday. 1936, c. 55, s. 44 (2).

Holidays.  
Rev. Stat.,  
c. 299.

(3) Every day upon which a school is closed under the provisions of *The Public Health Act* or under the regulations of the Department of Education, every Saturday, every public holiday, the week following Easter Day and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged shall be a holiday.

In rural  
schools.

(4) With the approval of the inspector the board of a rural school may substitute holidays in some other part of the year for part of the time herein allowed for Easter and Midsummer vacations to suit the convenience of pupils and teachers, but the number of holidays prescribed by subsections 1 and 3 shall be allowed in each year. R.S.O. 1927, c. 328, s. 91 (2, 3).

#### PENALTIES AND PROHIBITIONS.

Use of un-  
authorized  
books.

**94.** If a teacher negligently or wilfully permits an unauthorized book to be used as a text-book by the pupils of his school, the Minister of Education, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book or any less sum at its discretion. R.S.O. 1927, c. 328, s. 92.

False  
declaration  
as to right  
to vote.

**95.** Any person who wilfully makes a false declaration of his right to vote at any school meeting or at an election of school trustees shall incur a penalty of not less than \$5 nor more than \$10. R.S.O. 1927, c. 328, s. 93.

Disqualifica-  
tion for  
certain  
offices.

**96.** A trustee of a separate school shall not be eligible for appointment as separate school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of trustee of a separate school, nor shall an inspector be a teacher or trustee of any separate school while he holds the office of inspector. R.S.O. 1927, c. 328, s. 94.

Seat  
vacated  
by convic-  
tion for  
crime, etc.

**97.** If a trustee is convicted of any indictable offence, or becomes mentally ill, or without being authorized by resolution entered upon the minutes, absents himself from the meetings



of the board for three consecutive months, or ceases to reside within the municipality in case of an urban school, or within three miles of the school in the case of a rural school, he shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant. R.S.O. 1927, c. 328, s. 95.

**98.**—(1) A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void and a trustee violating the provisions of this section shall *ipso facto* vacate his seat.

Seat vacated by interest in contract with board.

(2) On the complaint of two supporters of the school or of the remaining trustee or trustees the judge of the county or district court shall, on proof of the facts, declare the seat vacant, and the remaining trustee or trustees shall forthwith order a new election.

When seat may be declared vacant.

(3) Nothing in this section shall prevent a trustee receiving payment for services as a collector or prevent the board from allowing the secretary or treasurer such compensation for his services as may be approved at the annual meeting of the supporters of the school and duly entered in the minutes.

Exception.

(4) No person shall be disqualified from being a member of a board or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1927, c. 328, s. 96.

Newspaper proprietors.

(5) If deemed expedient, the board may pay the costs, or any part thereof, incurred by any member, teacher, officer or employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at any meeting of the board or any committee thereof, relating to the employment, suspension or dismissal by the board of any person. 1936, c. 55, s. 45.

Costs of legal proceedings.

**99.** Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a separate school by rude or indecent behaviour, or by making a noise either within the

Penalty for disturbing a school or school meeting.

place where such meeting is held or such school is kept or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school, shall for each offence incur a penalty not exceeding \$20. R.S.O. 1927 c. 328, s. 97.

Refusing to serve.

**100.** A trustee who refuses to serve after being duly elected shall incur a penalty of \$5, and a person elected as a trustee who as such attends any meeting of the board after becoming disqualified shall incur a penalty of \$20 for every meeting so attended. R.S.O. 1927, c. 328, s. 98.

Disqualified person acting.

Penalty for refusal to perform duties.

**101.** Every person elected as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 328, s. 99.

Penalty for failing to transmit minutes.

**102.** A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided within ten days after the holding of such meeting shall incur a penalty not exceeding \$5. R.S.O. 1927, c. 328, s. 100.

Liability for neglect to take security.

**103.** If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school money, and any school money is forfeited or lost to the board in consequence of such refusal or neglect, every member of the board shall be personally liable for such money and the same may be recovered by the board or any supporter interested therein in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. R.S.O. 1927, c. 328, s. 101.

Exception.

Secretary, treasurer or trustee refusing to deliver up books and money.

**104.** A secretary or treasurer and a person having been a secretary or treasurer and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such secretary, treasurer, trustee or otherwise shall not wrongfully withhold, or neglect, or refuse to deliver up, or account for and pay over the same or any part thereof to the person, and in the manner directed by the board or by other competent authority. R.S.O. 1927, c. 328, s. 102.

Summons for appearance.

**105.**—(1) Upon application to a judge of the county or district court by the board or by any two supporters of the school, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon such secretary, treasurer, trustee, or person to appear before him at a time and place appointed by him.

(2) Any bailiff of a division court, upon being requested so to do, shall serve the summons or a true copy thereof on the person complained against personally or by leaving the same with a grown-up person at his residence. Service of summons.

(3) At the time and place so appointed, the judge, being satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded, the judge shall order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow. Order to account, etc.

(4) In the event of non-compliance with the order, the judge may order the person complained against to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority. Effect of non-compliance with judge's order.

(5) Upon proof of his having so done, the judge shall make an order for his discharge and he shall be discharged accordingly. Discharge upon compliance.

(6) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed, the judge may order his discharge on such terms or conditions as he may deem just. Discharge upon terms.

(7) Such proceedings shall not impair or affect any other remedy which the board or any other person may have against the person complained against or against any other person. Other remedy not affected.  
R.S.O. 1927, c. 328, s. 103.

**106.** It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in its or his power which may be required of it or him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 328, s. 104. Penalty on trustees refusing information, etc., to auditors.

**107.** If a board neglects to transmit its annual report to the Minister of Education in accordance with clause 1 of section 45, each of them shall for every week during which the default con- Penalty for delaying yearly report.

tinues and until such report is transmitted incur a penalty of \$5. R.S.O. 1927, c. 328, s. 105.

Penalty for false school reports and registers.

**108.** If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, he shall for every offence incur a penalty not exceeding \$20. R.S.O. 1927, c. 328, s. 106.

Personal responsibility for money lost.

**109.**—(1) The trustees of every separate school shall be personally responsible for the amount of any school money forfeited by or lost to the board in consequence of their neglect of duty.

Collection and application.

(2) The amount so forfeited or lost shall when collected be applied in the manner provided for by this Act. R.S.O. 1927, c. 328, s. 107.

Recovery and application of penalties. Rev. Stat., c. 136.

**110.** Except as otherwise provided, the penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* and shall be applied to such separate school purposes as the Minister of Education may direct. R.S.O. 1927, c. 328, s. 108.

#### FORM A.

##### FORM OF INDEX BOOK.

(Section 62).

Names.	Notices claiming exemption. When received.	Remarks.
Allen, John .....	3rd February, 19 .	Notice of withdrawal received 1st January, 19 .
Ardagh, Joseph .....	3rd February, 19 .	
Ashbridge, Robert.....	3rd February, 19 .	Disallowed by Court of Revision, 1st June, 19 .

R.S.O. 1927, c. 328, Form A.



## FORM B.

## NOTICE BY CORPORATION AS TO APPLICATION OF SCHOOL TAX.

(Section 66).

To the Clerk of (*describing the municipality*).

Take notice that (*here insert the name of the corporation so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn or varied, the whole or so much of the assessment for land and business or other assessments of the corporation within (*giving the name of the municipality*) as is hereinafter designated, shall be entered, rated and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of the land and business or other assessments.

Given on behalf of the said company this (*here insert date*).

R.S., Secretary of the Company.

1937, c. 72, s. 57 (1), *part*.

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## CHAPTER 363.

## The Industrial Schools Act.

## Interpretation.

**1.** In this Act,—

"Advisory Board."

- (a) "Advisory Board" shall mean The Industrial Schools Advisory Board appointed under this Act; 1931, c. 73, s. 2 (2), *part*.

"Board of public school trustees."

- (b) "Board of public school trustees" shall include a board of education;

"Industrial school."

- (c) "Industrial school" shall mean a school in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught, and which has been certified by the Minister under section 2;

"Industrial school board."

- (d) "Industrial school board" shall mean and include a board of education, a board of public school trustees, a board of separate school trustees, a board of management or any other body having control of an industrial school;

"Inspector."

- (e) "Inspector" shall mean Superintendent of Neglected and Dependent Children or such other officer as may be designated by the Lieutenant-Governor in Council;

"Judge."

- (f) "Judge" shall mean and include a judge of the county or district court, magistrate and judge of the juvenile court; R.S.O. 1927, c. 329, s. 1, cls. (a-e).

"Minister."

- (g) "Minister" shall mean that member of the Executive Council to whom for the time being the administration of this Act is assigned; 1931, c. 73, s. 2 (1).

"Municipality."

- (h) "Municipality" shall mean and include a city, county or a town separated from the county for municipal purposes, and a town having a population of 5,000 or over in a provisional judicial district;

"Philanthropic society."

- (i) "Philanthropic society" shall mean a society approved by the Lieutenant-Governor in Council for the purposes of this Act; R.S.O. 1927, c. 329, s. 1, cls. (g, h).

- (j) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act; 1931, c. 73, s. 2 (2), *part*. "Regulations."

**2.—**(1) The board of public school trustees or the board of separate school trustees of any city or town may acquire by purchase, lease or otherwise such real and personal property, and may erect, equip and maintain such buildings as they may deem necessary or proper for the purposes of an industrial school, and may establish, control and manage an industrial school. R.S.O. 1927, c. 329, s. 2 (1). Establishment by school board.

(2) An industrial school shall not be erected or acquired until the site and plans of the buildings have been approved in writing by the Minister, and no change in the site and no sale or disposal of any portion thereof, and no structural alteration in the building shall be made until the like approval has been given. Approval of plans.

(3) The board shall submit all rules, regulations and policies of training to the Minister for approval. 1931, c. 73, s. 3. Approval of rules and policies.

(4) If the inspector reports in favour of such action, the Minister may in writing under his hand certify that the school is a fit and proper one for the reception of children to be sent there, and the school shall thereupon be deemed a certified industrial school for the purposes of this Act. R.S.O. 1927, c. 329, s. 2 (3). Approval by Minister.

**3.—**(1) Any board of school trustees may delegate the powers, rights and privileges conferred upon it by this Act respecting the establishment, control and management of an industrial school to any philanthropic society. Delegation of powers to philanthropic society.

(2) Hereafter this Act shall apply to the philanthropic society as fully as to the board. Application of Act to society.

(3) The chairman and secretary of the board of public school trustees of the city or town in which the industrial school is situated or under whose control it is placed and the chief public school inspector of the city or town shall be members of the board of management of the society when acting under powers delegated by the board of public school trustees. Representation of school boards on board of management.

(4) The chairman and secretary of the separate school board shall be members of the board of management of a society acting under powers delegated by the separate school board. R.S.O. 1927, c. 329, s. 3. Representation of separate school board.

**4.—**(1) A philanthropic society to which the powers of a school board have been delegated, in addition to any powers which it may possess as to raising money on the security of Societies may borrow on debentures.

its property, may borrow money on debentures to an amount not exceeding two-thirds of the value of the real and personal property owned by such society, and such debentures shall be a charge upon the real and personal property of the society.

Registration  
of certificate  
of debentures.

(2) A certificate of the number and amount of such debentures as they are issued under the seal of the society and signature of the president or secretary shall be filed in the proper registry office or land titles office, and shall be open to inspection on payment of ten cents. R.S.O. 1927, c. 329, s. 4.

Aid to  
industrial  
schools.

**5.** A school board authorized to establish an industrial school and the council of any municipality may grant aid to any industrial school in the same manner as to other schools notwithstanding that such school does not lie within the municipality wherein such school board or council has jurisdiction. R.S.O. 1927, c. 329, s. 5.

Corporation  
guaranteeing  
debentures.

**6.—(1)** The council of the city or town may by by-law guarantee any debentures issued for industrial school purposes to the amount authorized by section 4.

Liability for  
debenture  
debt.

(2) Any debenture debt guaranteed by a municipal corporation under this section which has been incurred by the board of public school trustees or a philanthropic society acting under powers derived from such board shall be a liability of the supporters of public schools, and any debt incurred by the board of separate school trustees or by a philanthropic society acting under powers derived from a separate school board shall be a liability of the supporters of separate schools. R.S.O. 1927, c. 329, s. 6.

Religious  
corporations  
empowered  
to grant or  
lease lands  
to industrial  
schools.

**7.** Any religious corporation may set apart and grant or lease for a nominal consideration or otherwise for industrial school purposes any land which it has a general power to dispose of for religious, charitable or educational purposes, without being deemed guilty of a breach of trust. R.S.O. 1927, c. 329, s. 7.

Providing  
teachers  
and general  
superintendent.

**8.—(1)** A school board which has delegated its power to establish an industrial school shall provide the teachers necessary for the school, and the general superintendent shall, when practicable, be selected from the teachers so appointed.

Or paying  
*per capita*  
allowance  
instead of  
furnishing  
teachers.

(2) In lieu of providing such teachers, the school board may annually pay a *per capita* allowance to the industrial school board for each child taught, but such allowance shall not be less than the average cost *per capita* for each child attending the industrial school in the then next preceding year.



(3) Where the school board adopts such plan of payment, the power of hiring and discharging teachers shall vest in the industrial school board. R.S.O. 1927, c. 329, s. 8. Power as to teachers.

**9.**—(1) Any person may bring before a judge any child apparently under the age of sixteen years who,— Certain children under sixteen may be brought before judge.

(a) is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;

(b) is found wandering and has not any home or settled place of abode or proper guardianship;

(c) is found destitute, either being an orphan or having a surviving parent who is undergoing imprisonment;

(d) is an habitual truant and whose parent or teacher represents that he is unable to control the child;

(e) is by reason of the neglect, drunkenness or other vices of his parents suffered to grow up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life;

(f) has been accused or found guilty of petty crime; R.S.O. 1927, c. 329, s. 9 (1).

(g) proves unmanageable or incorrigible. 1933, c. 59, s. 27.

(2) No formal information shall be requisite, but the judge shall have the child brought before him and shall in the presence of the child take evidence in writing under oath of the facts charged, and shall make reasonable inquiry into the truth thereof. Judge to inquire into truth of facts charged.

(3) The judge shall hear all cases coming before him under this section in private. Hearing in private.

(4) If the judge is satisfied on inquiry that it is expedient to deal with the child under this Act, he shall make his order in writing that the child be sent to an industrial school. R.S.O. 1927, c. 329, s. 9 (2-4). Judge may order child to school.

**10.** Any order made under this Act shall be subject to an appeal to the Court of Appeal and such appeal may be at the instance of any next friend. R.S.O. 1927, c. 329, s. 10. Appeal to Court of Appeal.

**11.** Where under the authority of any statute of Ontario or of any other statute or law of Canada, any person is convicted of an offence punishable by imprisonment, and the judge Child under 16 may be sent to industrial school.

before whom he is convicted is of opinion that such offender is under the age of sixteen years, the judge may direct him to be sent to an industrial school. R.S.O. 1927, c. 329, s. 11.

Child may  
be sent to  
training  
school.

Rev. Stat.,  
c. 364.

**12.** Whenever a child may be sent to an industrial school, such child may, with the approval of the Minister, be sent to a training school established under *The Training Schools Act*, 1931, c. 73, s. 4.

Religious  
persuasion  
of offenders.

**13.** The judge or Advisory Board shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, as far as practicable, send a Roman Catholic child to a Roman Catholic industrial school and a child of any other religious persuasion to a school established by and with the sanction of a board of public school trustees. R.S.O. 1927, c. 329, s. 14; 1931, c. 73, s. 6.

Transporta-  
tion of  
children  
to school.

**14.** Every child sent to an industrial school shall where practicable be taken to the school by an agent or member of a children's aid society, and the actual expense incurred in so doing shall be borne by the municipality liable for maintenance. R.S.O. 1927, c. 329, s. 15.

Expenses of  
conveying  
child to  
industrial  
school.

**15.** The expenses of conveying any child to an industrial school from any part of a provisional judicial district not included in a city or town having a population of 5,000 or over, shall be payable out of any money appropriated for the administration of justice in provisional judicial districts. R.S.O. 1927, c. 329, s. 16.

Particulars  
to be set out  
in order.

**16.—(1)** The judge or Minister shall in his order designate the school to which the child is to be sent and the person in whose custody he is to be conveyed to the school, and shall where practicable state the name, age and parentage of the child, his religious persuasion, and the municipality liable for his maintenance. R.S.O. 1927, c. 329, s. 17 (1); 1931, c. 73, s. 7.

Order as to  
mainten-  
ance of  
children.

**(2)** A copy of the order with a copy of the depositions upon which the child has been committed shall be forwarded by registered letter to the clerk of the municipality so declared liable for maintenance.

When order  
to be  
binding.

**(3)** Unless within one month after the mailing of the letter the corporation of the municipality applies to the judge making the order or to the judge of the division court of the division in which the parent, step-parent or guardian of the child resides, to vary such order by having some other municipality declared liable for the maintenance of the child, the corporation shall be estopped from denying liability thereunder, but this shall not

prevent an application or order being made under section 27. R.S.O. 1927, c. 329, s. 17 (2, 3).

**17.** The judge shall deliver to the person having the execution of the order the depositions taken by him or a certified copy thereof which depositions or copy shall be delivered to the general superintendent or officer receiving the child into the industrial school, and shall be placed at the disposal of the Advisory Board. 1931, c. 73, s. 8.

Depositions  
to be filed  
for use of  
Advisory  
Board.

**18.** An industrial school board shall exercise and maintain supervision over every child committed to its guardianship after leaving the school, and shall keep such records and provide for such visits as may be prescribed by the regulations. R.S.O. 1927, c. 329, s. 19 (3); 1931, c. 73, s. 9 (2).

Supervision  
after leav-  
ing school.

**19.** Subject to the provisions of section 20, every child committed to an industrial school shall remain under the guardianship of the industrial school board, and it shall possess and exercise all the rights and powers of a parent in regard to such child until he shall attain the age of twenty-one years, or until the Advisory Board otherwise provides that the guardianship of the industrial school shall cease and determine. R.S.O. 1927, c. 329, s. 20; 1931, c. 73, s. 10.

Guardian-  
ship.

**20.** The Minister may, at any time, order that a child be transferred from one industrial school to another or to any school established under *The Training Schools Act*, or to any foster home, or may order that a child be discharged from an industrial school either absolutely or on such conditions as he may think fit and the child shall be transferred or discharged accordingly, or may direct that a child who has been placed in a foster home under the provisions of *The Children's Protection Act*, or who has been placed in a training school under the provisions of *The Training Schools Act* shall be sent to an industrial school. 1931, c. 73, s. 12.

Transfer of  
children  
from school.  
Rev. Stat.,  
cc. 364, 312.

**21.** A clergyman of the religious persuasion to which a child appears to belong may visit the child at the school for the purpose of instructing him in religion on such days and at such times as may be fixed by regulations of the Minister. R.S.O. 1927, c. 329, s. 23.

Visits by  
clergymen.

**22.** The Advisory Board may permit a child sent to the industrial school to live at a foster home or at the dwelling of any trustworthy and respectable person approved of by the local superintendent of the children's aid society, but the control of the industrial school board shall not thereby be

Children  
placed out  
to remain  
under  
control of  
Advisory  
Board.

abated or diminished nor the liability of any municipality for the maintenance of such child altered except as directed by the Advisory Board. 1931, c. 73, s. 13.

What shall  
be deemed  
escape from  
school.

**23.** If the child leaves the person with whom he is placed without the permission of the Advisory Board or refuses to return to the school, he shall be deemed to have escaped from the school. R.S.O. 1927, c. 329, s. 25; 1931, c. 73, s. 14.

Apprehen-  
sion on  
escape or  
absence.

**24.**—(1) If a child sent to an industrial school escapes from the school or neglects to attend thereat, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may be brought back to the school, there to be detained during the period equal to so much of his period of detention as remained unexpired at the time of his escape.

Aiding or  
abetting  
escape.

Rev. Stat.,  
c. 136.

(2) Every person who aids or abets any child in such escape shall incur a penalty not exceeding \$25, to be recoverable under *The Summary Convictions Act* before two justices of the peace. R.S.O. 1927, c. 329, s. 26.

Mainten-  
ance.

**25.**—(1) Where the maintenance of a child is not otherwise fully provided for, the municipality to which the child belongs shall pay the sum of fifty cents per day towards the expense of maintenance. 1931, c. 73, s. 15, *part*; 1935, c. 27, s. 2 (1).

What  
presumed  
to be  
residence  
of child.

(2) For the purposes of this section a child shall be deemed to belong to the municipality in which such child has last resided for the period of one year, but in the absence of evidence to the contrary, residence for one year in the municipality in which the child was taken into custody shall be presumed.

Where  
child's  
residence  
insufficient,  
mother's  
taken.

(3) Where the child has not resided in any municipality in Ontario for one year, the municipality in which the child's mother has last resided for one year shall be deemed liable for maintenance.

What  
periods  
to be  
excluded  
in fixing  
time.

(4) In the computation of the time in subsections 2 and 3, the time during which the child or the mother of the child was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded.



(5) In all other cases, the judge shall determine the municipality to which the child belongs. 1935, c. 27, s. 2 (2).

Judge to determine municipality liable.

(6) Upon payment by a municipality to an industrial school of any account for maintenance of a boy or girl by reason of such boy or girl having been assumed to be a resident in such municipality, and it being ascertained that such boy or girl was not resident therein at the time of commitment to the industrial school, but was a resident in another municipality in Ontario, the municipality which made such payment may recover the amount thereof as a debt from the municipality in which such boy or girl was resident. 1931 c. 73, s. 15, *part*.

Payment by municipality not liable.

**26.** The Treasurer of Ontario shall pay towards the maintenance of every child sent to an industrial school from a provisional judicial district for whose maintenance a city or town is not liable the sum of seventy-five cents for each day's actual stay of the child in the school. R.S.O. 1927, c. 329, s. 28.

Children from unorganized territory.

**27.**—(1) On the complaint of an industrial school board or of a municipal corporation liable to contribute to the maintenance of a child in an industrial school, the judge of the division court of the division in which the parent, step-parent or guardian of the child resides may summon the parent, step-parent or guardian before him and may examine into his ability to maintain the child, and the judge may if he thinks fit order the parent, step-parent or guardian to pay to the industrial school board or municipality such weekly sum, not exceeding \$1.25 per week, as to the judge seems reasonable during the whole or any part of the time during which the child is liable to be detained in the school, and such order shall for all purposes be a judgment of the division court.

Power to order parent, etc., to maintain a child.

(2) On the application of either the parent, step-parent or guardian, or of the industrial school board or municipality, after fourteen days' notice of the application has been given to the other party, the judge making such order, or any other judge holding the division court, may from time to time vary the same. R.S.O. 1927, c. 329, s. 29.

Varying the order for maintenance.

**28.** Every industrial school board may make rules for the management and discipline of the industrial school established by it, but such rules shall not take effect until approved in writing by the Minister. R.S.O. 1927, c. 329, s. 30; 1931, c. 73, s. 16.

Rules of management.

Contribution from Province for maintenance.

**29.**—(1) The sum of fifty cents per day for each day's actual stay of a child in an industrial school shall be paid quarterly by the Treasurer of Ontario to the industrial school board out of any moneys appropriated by the Legislature for that purpose.

How amount to be calculated.

(2) In calculating the amount of aid to be so given, the day of departure of any pupil from such institution shall be included.

How grant to be payable.

(3) The money payable under this section shall be paid by the Treasurer upon the report of the inspector approved by the Minister. R.S.O. 1927, c. 329, s. 31.

Penalty in case of false return.

**30.** Any person who knowingly and wilfully makes, or is a party to, or procures to be made, directly or indirectly, any false statement in a return required by or under the authority of this Act shall incur a penalty of \$500 to be payable to the Treasurer of Ontario, and to be recoverable only at the suit of the Crown. R.S.O. 1927, c. 329, s. 32.

Inspection by the inspector.

**31.** The inspector shall have the right to inspect every institution receiving aid under this Act, and shall from time to time report on the general management and efficiency of the work carried on. R.S.O. 1927, c. 329, s. 33.

Inspection by public school inspector.

**32.**—(1) When required by the public school board, the inspector of public schools for the city or town shall visit and inspect any industrial school established by such board or by a philanthropic society to which it has delegated its powers for the purpose of reporting upon the efficiency of its teachers and the progress of the pupils in any of the branches of the school work coming within those prescribed by the regulations of the Department of Education for public schools.

Inspection by separate school inspector.

(2) An inspector of separate schools, upon the request of a separate school board, may visit, inspect and report in like manner upon a Roman Catholic industrial school established by such board or by a philanthropic society to which it has delegated its powers.

Limit of powers and duties of inspectors.

(3) Save as aforesaid, the inspector of public schools and the inspector of separate schools shall not be called upon to perform any duty and shall not possess any powers with respect to industrial schools. R.S.O. 1927, c. 329, s. 34.

Advisory Board.

**33.**—(1) For the purpose of this Act there shall be established an advisory board of three members which shall be known as The Industrial Schools Advisory Board.

(2) The members of the Advisory Board shall be appointed by the Lieutenant-Governor in Council with the powers and for the purposes herein prescribed. Appoint-ment.

(3) The members shall be appointed for a period of two years. Term of office.

(4) The Lieutenant-Governor in Council may, from time to time, appoint one of the members of the Advisory Board to be the chairman thereof and another member of the Board to be the secretary thereof. Chairman, secretary.

(5) Members of the Advisory Board shall be eligible for re-appointment. May be re-appointed.

(6) The members of the Advisory Board shall serve without remuneration except that the Lieutenant-Governor in Council may fix a per diem allowance to be payable to each member for attendance at the meetings of the Board and every member shall be entitled to his reasonable and necessary travelling expenses as certified by the chairman for attendance at such meetings and in the transaction of the business of the Board. 1931, c. 73, s. 17, *part*. Allowances for expenses.

**34.** Subject to the approval of the Lieutenant-Governor in Council, the Advisory Board may make regulations,— Regulations.

- (a) defining the duties, powers and responsibilities of the Advisory Board;
- (b) defining the type of courses, vocational, academic and physical, to be provided by the industrial schools and setting the standard for instruction. 1931, c. 73, s. 17, *part*.

**35.** It shall be the duty of the Advisory Board,—

- (a) to receive a copy of the commitment order of every child sent to an industrial school;
- (b) to obtain a report of his previous record, previous social history, school standing, mental intelligence, physical condition and religious denomination;
- (c) to designate the industrial or other school in which the child is to be placed for training after commitment and the type of instruction suited to the mental intelligence of the child;
- (d) to make recommendations pertaining to his parole and define the conditions under which he may receive parole;

Duties of  
Advisory  
Board.

- (*e*) to give the child over to the custody of his parents, or apprentice or place out in a foster home as soon as practicable after commitment, or cause the child to be returned to the school if deemed necessary. 1931, c. 73, s. 17, *part*.

Regula-  
tions.

**36.** The Lieutenant-Governor in Council upon the recommendation of the Minister, may make such regulations in respect to industrial schools as may be deemed necessary for,—

- (*a*) the records, books, accounting systems, audits, reports and returns to be made and kept by industrial schools;
  - (*b*) the better carrying out of the provisions of this Act. 1931, c. 73, s. 17, *part*.
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## CHAPTER 364.

### The Training Schools Act.

**1.** In this Act,—

Interpre-  
tation.

- (a) "Board" shall mean The Ontario Training Schools "Board."  
Board;
- (b) "Boy" shall mean any male youth a resident in On- "Boy."  
tario who is normal in mind and body and capable of  
receiving an education and training that will enable  
him to earn a living;
- (c) "Department" shall mean the Department over which "Depart-  
the Minister has charge; ment."
- (d) "Girl" shall mean any unmarried female youth a resi- "Girl."  
dent in Ontario who is normal in mind and body and  
capable of receiving an education and training that  
will enable her to earn a living;
- (e) "Inspector" shall mean an inspector appointed under "Inspector."  
*The Department of Public Welfare Act* for the pur- Rev. Stat.,  
poses of this Act; c. 61.
- (f) "Minister" shall mean the member of the Executive "Minister."  
Council charged for the time being with the adminis-  
tration of this Act;
- (g) "Municipality" shall mean a county, city or separated "Municipality."  
town, except that in a territorial district it shall mean  
a city, town, village or township; 1931, c. 60, s. 2,  
cls. (a-g).
- (h) "Regulations" shall mean regulations made under this "Regu-  
Act; lations."
- (i) "Superintendent" shall mean superintendent of a "Superin-  
training school; tendent."
- (j) "Training school" shall mean a training school for "Training  
boys or girls established under this Act. 1931, c. 60, school."  
s. 2, cls. (i-k).

**2.—(1)** Training schools for boys and girls may be estab- Establish-  
lished in Ontario to provide the boys or girls admitted therein ment of  
with a mental, moral and vocational education and training and training  
with profitable employment. schools.

Designation. (2) A training school established under this Act shall bear such name or other designation as the Lieutenant-Governor in Council may give. 1931, c. 60, s. 3.

Properties  
vested in  
the Crown.

3. All real and personal property acquired by purchase, gift or otherwise pertaining to a training school shall be vested in the Crown represented therein by the Minister of Public Works. 1931, c. 60, s. 4.

Revenues  
and expendi-  
tures.

4. The cost of establishing and maintaining training schools shall be paid out of such moneys as may be appropriated for such purpose by the Legislature and all revenues from whatsoever source derived by or pertaining to training schools shall form part of the Consolidated Revenue Fund of Ontario. 1931, c. 60, s. 5.

Gifts.

5. Any municipal corporation and any association, corporation or individual may make gifts of real or personal property to a training school. 1931, c. 60, s. 6.

School  
wardship  
over boys  
and girls.

6.—(1) Every boy or girl admitted to a training school shall upon admission become a ward of the training school until he or she becomes of age and shall be subject to the control of the Board and superintendent in the same manner and to the same extent as in the case of a guardian appointed by statute or by any court or by any will or instrument and all rights and powers of the parent or any such guardian over a boy or girl so admitted shall upon admission cease and determine unless the Minister provides that the wardship of the training school shall cease upon the boy or girl leaving the school or at any time after leaving the school. 1931, c. 60, s. 7 (1); 1932, c. 53, s. 37 (1).

Restoration  
of other  
wardship.

(2) When the Minister provides that the wardship of a training school shall cease, the boy or girl shall, after leaving, become a ward of that person who but for the wardship of the training school was or would have been in law his or her guardian. 1931, c. 60, s. 7 (2); 1932, c. 53, s. 37 (2).

Establish-  
ment of  
Board.

7. For the purposes of the training schools established under this Act there is established an advisory board of fifteen members which shall be known as "The Ontario Training Schools Board." 1931, c. 60, s. 8.

Appoint-  
ment of  
members of  
Board.

8. The members of the Board shall be appointed by the Lieutenant-Governor in Council with the powers and for the purposes hereinafter prescribed. 1931, c. 60, s. 9.

**9.** The members of the Board shall be appointed for a period of three years except that a member appointed to fill a vacancy shall be appointed for the unexpired term of that member whose office has become vacant. 1931, c. 60, s. 10. Period of office.

**10.** The Lieutenant-Governor in Council may from time to time appoint one of the members of the Board to be the chairman thereof and another member to be the secretary thereof. 1931, c. 60, s. 11. Chairman and secretary.

**11.**—(1) The Board shall meet from time to time at the call of the chairman or at the call of the Minister. Meetings of Board.

(2) The Board shall act in an advisory capacity to the Minister and when requested by him so to do shall consult with him as to the administration of this Act and of training schools and shall assist the Minister by its recommendations in respect thereto. Advisory powers of Board.

(3) The Minister may from time to time appoint committees of the Board to act on behalf of the Board in respect to any training school. Committees.

(4) The Board or its committees appointed hereunder shall have power to and shall from time to time visit and inspect training schools to investigate and ascertain the condition of the same and the welfare of the boys or girls therein, particularly in respect to matters of moral, scholastic, occupational and recreational natures and as to their wardship, care, treatment, conduct and discipline, and the Board or committee shall report to the Minister upon every visit and inspection which it may make, with any recommendations resulting therefrom. Visiting and inspecting training schools.

(5) The necessary travelling and other expenses incurred by the members of the Board may be paid out of the moneys appropriated by the Legislature for training schools. 1931, c. 60, s. 12. Travelling expenses.

**12.**—(1) Subject as in this Act may otherwise be provided, when any boy or girl is admitted to a training school, that municipality to which such boy or girl belongs shall be liable to the Department for and shall pay the sum of seventy-five cents per day towards the cost of maintenance and education of such boy or girl for each actual day's stay of the said boy or girl in the training school. 1931, c. 60, s. 13 (1); 1935, c. 52, s. 3 (1). Municipal per diem liability.

(2) For the purposes of this section, a boy or girl shall be deemed to belong to the municipality in which such boy or girl has last resided for the period of one year, but in the absence of Where boy or girl belongs.

evidence to the contrary, residence for one year in the municipality in which the boy or girl was taken into custody shall be presumed.

Where mother's residence taken.

(3) Where the boy or girl has not resided in any municipality in Ontario for one year, the municipality in which the boy's or girl's mother has last resided for one year shall be deemed liable for maintenance.

Periods to be excluded in fixing time.

(4) In the computation of the time in subsections 2 and 3, the time during which the boy or girl, or the mother of such boy or girl, was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded, and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded.

Other cases.

(5) In all other cases, the judge shall determine the municipality to which the boy or girl belongs. 1935, c. 52, s. 3 (2).

Notice of admission to municipality.

(6) Upon admission to a training school of any boy or girl, the superintendent shall by registered letter notify the clerk of the municipality in which such boy or girl is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the boy or girl.

Notice disputing liability.

(7) Unless the clerk of a municipality within fifteen days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the boy or girl referred to therein was not a resident in the municipality at the time of admission, such municipality shall be liable for the charges provided for in this section.

Information to be furnished.

(8) The clerk of a municipality when notifying a superintendent that a boy or girl is not a resident in the municipality shall furnish such information as he may have ascertained with respect to such boy or girl. 1931, c. 60, s. 13 (2-4).

Placing out of boys and girls.

(9) The Board and superintendent with the approval of the Minister, may permit any boy or girl upon leaving a training school, to live at a foster home or at the dwelling of any trustworthy and respectable person, and the control of the Board and superintendent shall not thereby be abated or diminished, and the municipality in which such boy or girl was resident at the time of admission to such school shall be liable to the Department in the same amount as provided in subsection 1 for each



actual day's stay of the said boy or girl in such foster home or other dwelling. 1933, c. 59, s. 35.

**13.** The corporation of a county shall have the right to recover not exceeding one-half of the charges paid by it in respect of any boy or girl for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such boy or girl was a resident at the time of admission to a training school. 1931, c. 60, s. 14.

County's  
right to  
contribu-  
tion.

**14.** When under this Act the charges for any boy or girl in a training school are payable by a municipality, the superintendent shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered, it may be recovered as a debt in any court of competent jurisdiction. 1931, c. 60, s. 15.

Statements  
of account  
to be  
rendered.

**15.** Upon payment by a municipality of any account rendered to it under this Act, such municipality may recover from any person liable in law in respect to such boy or girl, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction. 1931, c. 60, s. 16.

Municipal  
right of  
recourse.

**16.** Upon payment by a municipality of any charges under this Act by reason of a boy or girl having been assumed to be a resident in such municipality and it being ascertained that such boy or girl was not a resident therein but at the time of admission to a training school was a resident in another municipality in Ontario, the municipality which made the said payment may recover the amount thereof as a debt from the municipality in which such boy or girl was a resident and upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred under section 15. 1931, c. 60, s. 17.

Municipal  
right of  
recourse  
against  
proper  
municipality.

**17.** If a boy or girl escapes or remains absent without leave from a training school, any officer or servant of the training school or any other person at the request of such officer or servant may without warrant within forty-eight hours after such escape or after such absence becomes known, and within one month where a warrant in form prescribed by the regulations has been issued by the superintendent, retake such escaped or absent boy or girl and return him or her to the training school. 1931, c. 60, s. 18.

Recapture  
of escaped  
boys and  
girls.

Regulations. **18.** Subject to the approval of the Lieutenant-Governor in Council the Minister may make regulations for the following purposes,—

- (a) for the appointment of superintendents and such officers and employees of training schools as may be deemed necessary and for fixing the salaries and remuneration of such persons as may be so appointed;
- (b) for fixing the age at which and the conditions under which boys and girls may be admitted to a training school and the period during which any boy or girl may be kept at a training school and the conditions under which he or she may leave or be discharged therefrom;
- (c) for regulating the conduct, discipline, training and education of the boys and girls admitted in residence to a training school and for providing for their religious, moral, educational and vocational training and instruction;
- (d) for providing for the use in a training school of such products as may be produced on the premises of the school, and for the sale of any surplus products or articles produced or manufactured on the said premises;
- (e) for the remuneration to be paid to any boy or girl for faithful service; and
- (f) generally for the management and direction of the affairs and maintenance of training schools. 1931, c. 60, s. 19.

Judges' and magistrates' orders for admission.

**19.** Where under any Act a boy or girl may be committed to a place of detention or imprisonment the judge or magistrate before whom such boy or girl is charged or appears may with the approval of the Minister in lieu of making any order of committal make an order for admission of such boy or girl to a training school. 1931, c. 60, s. 20.

Bowmanville School continued.  
R.S.O. 1927, c. 282.

**20.** The Boys Welfare Home and School heretofore established at Bowmanville under *The Boys' Welfare Home and School Act* is continued as a training school for the purposes and under the provisions of this Act and shall be known as "The Ontario Training School for Boys," and the provisions of this Act shall apply in respect to all boys now at the said school as if they had severally been admitted thereto immediately after this Act comes into force. 1931, c. 60, s. 21.

**21.** Any person who contravenes or is a party to contra-<sup>Penalty.</sup>  
vention directly or indirectly of any of the provisions of this  
Act or the regulations shall incur a penalty of not less than  
\$5 and not exceeding \$500, recoverable under *The Summary* <sup>Rev. Stat.</sup>  
*Convictions Act.* 1931, c. 60, s. 22. <sup>c. 136.</sup>

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## CHAPTER 365.

## The Schools for the Deaf and Blind Act.

Institution  
at Belle-  
ville.

Name.

**1.** The institution at Belleville for the education and instruction of the deaf and dumb, with the land, buildings and appurtenances, and any land hereafter purchased or acquired for the same, and any buildings hereafter erected thereon, shall be for the public use of the Province, and shall be known and designated as "The Ontario School for the Deaf." R.S.O. 1927, c. 330, s. 1.

Institution  
at Brant-  
ford.

Name.

**2.** The institution at Brantford for the education and instruction of the blind, with all the land, buildings and appurtenances, and any land hereafter purchased or acquired for the same, and any buildings hereafter erected thereon, shall be for the public use of the Province and shall be known and designated as "The Ontario School for the Blind." R.S.O. 1927, c. 330, s. 2.

Objects of  
the institu-  
tions.

**3.** Such institutions shall be for the purpose of educating and of imparting instruction in manual arts to such deaf persons and such blind persons as are born of parents, or are wards of persons, *bona fide* residents of Ontario. R.S.O. 1927, c. 330, s. 3.

Appoint-  
ment of  
officers.

Salaries.

**4.** The Lieutenant-Governor in Council may appoint to each of such institutions, to hold office during pleasure, a principal who shall be the chief executive officer, a bursar, a physician, a matron, and such other officers, instructors and servants as he may deem necessary, and may also fix the salary of every such officer and servant. R.S.O. 1927, c. 330, s. 4.

Minister of  
Education  
and his  
powers.

Regulations.

**5.**—(1) The institutions shall be under the control and direction of the Minister of Education, and he shall have power, and it shall be his duty, to make such regulations as he may deem expedient for their government, discipline and management; prescribing and regulating the duties of the principals, bursars, physicians, matrons, and other officers, instructors and servants employed in or about such institutions; for the education and instruction of the pupils; and subject to the provisions of this Act, prescribing the terms and conditions upon which pupils shall be admitted to, and remain in, the institutions, and the period for which they shall be allowed to remain therein, and for their discharge therefrom.



(2) The regulations shall provide for the transportation to and from the school, for clothing and for other necessary expenses and for the residence elsewhere than at the school during the vacation, of persons admitted to the school who are without means of support, and for the payment of all expenses so incurred by the treasurer of the municipality in which any such pupil resides or was domiciled at the time of his admittance to the school out of the funds of the municipality and the municipality may recover the same from the persons responsible therefor.

Expenses in connection with indigent pupils.

(3) No such regulations shall have any effect until approved by the Lieutenant-Governor in Council. R.S.O. 1927, c. 330, s. 5.

Approval by Lieutenant-Governor.

**6.**—(1) No person shall be admitted to either institution except for the purposes of education and instruction, or who is over the age of twenty-one years, except with the consent in writing of the Minister of Education, and upon the report of the principal of such institution to the Minister of the particulars and special circumstances which, in his opinion, justify such admission.

Admittance.

(2) Where a person is admitted under subsection 1 the Minister shall determine how the cost of his maintenance and support shall be borne.

Maintenance, cost of.

(3) The principal of the institution shall report half yearly to the Minister whether in his opinion the terms upon which such person is maintained and supported should be continued, giving the particulars and special circumstances, upon which his opinion it founded.

Report to be made half yearly.

(4) The Minister may at any time direct the discharge of any such person or may vary the terms upon which he is being supported and maintained in the institution. R.S.O. 1927, c. 330, s. 6.

Discharge or variation in terms.

## CHAPTER 366.

## The Teachers' and Inspectors' Superannuation Act.

Interpreta-  
tion.

## 1. In this Act,—

"Board."

- (a) "Board" shall mean and include board of public school trustees, board of separate school trustees, high school board and board of education;

"Commis-  
sion."

- (b) "Commission" shall mean the Commission appointed under this Act for the administration thereof;

"Corpora-  
tion."

- (c) "Corporation" shall mean the corporation of a county or other municipality by which inspectors are employed;

"Depart-  
ment."

- (d) "Department" shall mean Department of Education;

"Em-  
ployed."

- (e) "Employed" shall mean and include—

(i) engaged in Ontario in teaching in a public school, separate school, continuation school, high school, collegiate institute, provincial normal or model school, a school to which *The Vocational Education Act* applies, a faculty of education approved by the Minister, and including its attached observation and practice schools, the Ontario School for the Deaf or the Ontario School for the Blind, or a certified industrial school or a school or classes held in or in connection with any public institution supported in whole or in part by contributions from the Province or from a municipal corporation and defined in the regulations;

(ii) engaged in Ontario as an inspector of public schools by a county or other municipality;

(iii) engaged by the Minister, or by the Government as an inspector or a supervisor of any grade or department, or class of such schools or as superintendent of education or as any other officer designated by the Minister as being engaged in work in connection with the administration of the Department, requiring

Rev. Stat.,  
c. 369.

the professional qualifications and experience of a teacher or as an officer of any association or body of teachers approved by the Minister as engaged in advancing the interests of education;

- (f) "Fund" shall mean Teachers' and Inspectors' "Fund." Superannuation Fund; R.S.O. 1927, c. 331, s. 1, cls. (a-f).
- (g) "Inspector" shall mean a person qualified according "In-  
specter," to the regulations of the Department for the duties of his office and shall include a supervisor and a superintendent of education and an inspector of the Penny Savings Bank; R.S.O. 1927, c. 331, s. 1, cl. (g); 1932, c. 42, s. 19 (1).
- (h) "Minister" shall mean Minister of Education; "Minister."
- (i) "Regulations" shall mean regulations made under "Regula-  
tions," *The Department of Education Act*; Rev. Stat., c. 356.
- (j) "Teacher" shall mean a person qualified according "Teacher," to the regulations of the Department to teach in a public school, separate school, continuation school, high school or collegiate institute, provincial normal or model school or a school to which *The Vocational Education Act* applies, or a practice or observation school attached to a faculty of education and shall include a professor in a faculty of education. R.S.O. 1927, c. 331, s. 1, cls. (h-j). Rev. Stat., c. 369.

#### THE TEACHERS' AND INSPECTORS' SUPERANNUATION FUND.

**2.—(1)** The fund heretofore established as the "Ontario Teachers' and Inspectors' Superannuation Fund" shall be continued and shall hereafter be known as the "Teachers' and Inspectors' Superannuation Fund" to consist of contributions and payments to be made as hereinafter provided.

(2) The Treasurer of Ontario shall be the custodian of the fund. Treasurer to be custodian of fund.

(3) The fund, less such sums as may from time to time be necessary to meet current expenses, shall be invested by the Treasurer of Ontario in securities of the Province of Ontario and such securities shall be set apart and earmarked for the fund and the interest payable from time to time on account thereof shall be paid into and form part of the fund and shall be credited thereto whenever payable. Investment of fund in provincial securities.

Crediting  
contribu-  
tions and  
interest.

(4) All sums paid into the fund during any fiscal year shall be credited to the fund as of the 1st day of February in that fiscal year and the Province shall pay interest thereon at the rate from time to time payable upon loans issued for provincial purposes as fixed by the Lieutenant-Governor in Council for the period between the 1st day of February and the 31st day of July in each fiscal year.

Books and  
accounts.

(5) Books shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out of the fund and all sums received from time to time by way of contributions to the fund or which may be paid by the Province towards the administration thereof, and an account shall be kept in some chartered bank of Canada in the name of the Treasurer of Ontario as custodian of the fund and all amounts received as payments into the fund or as refunds shall be deposited to the credit of the said account, and all payments out of the fund shall be paid by cheque upon the said account as hereinafter provided.

Payments  
out of fund  
by cheque of  
Treasurer.

(6) The payment of any superannuation allowance or other benefit under this Act and the cost and expenses of the administration of this Act shall be payable out of the fund and payments therefor shall be made by the cheque of the Treasurer of Ontario signed by him or by the Assistant Treasurer or by such other person as may be appointed by the Treasurer for that purpose, but no cheque shall be issued unless countersigned by a member of the Commission.

Issue of  
provincial  
securities  
for fund.

(7) The Treasurer of Ontario may issue bonds or other securities of the Province from time to time for any amount or amounts required to be contributed by the Province to the fund or in exchange for any amount to the credit of the fund and such bonds or other securities shall bear interest at the rate from time to time payable by the Province upon loans issued for provincial purposes as fixed by the Lieutenant-Governor in Council.

Regula-  
tions.

(8) The Minister with the approval of the Lieutenant-Governor in Council may make regulations respecting,—

Accounts.

(a) the manner in which the accounts of the fund are to be kept;

Custody of  
securities.

(b) the persons by whom such accounts shall be kept and who shall be responsible for the safe keeping of the securities issued from time to time on account of the fund;

Cheques.

(c) the form of cheques to be issued from time to time against the account of the fund and the manner in



which the same shall be signed and countersigned.  
R.S.O. 1927, c. 331, s. 2 (1-8).

(9) The accounts of the fund shall be audited and the securities in which the moneys of the fund may be invested from time to time shall be examined and checked by the Provincial Auditor or by such other auditor or auditors and at such times as the Lieutenant-Governor in Council shall direct, and such auditor or auditors shall make an annual report, and prepare and furnish such other statements to the Treasurer of Ontario as he shall from time to time direct or request. R.S.O. 1927, c. 331, s. 2 (9), *part*. Audit.

(10) The costs and expenses of such audits and reports shall be paid by the Commission out of the fund. 1935, c. 64, s. 5. Audit.

(11) The Treasurer of Ontario may receive any gift, devise or bequest made to, or for the purposes of the fund, and pay the same, or the proceeds thereof, into the fund, to be applied as directed by the donor, and if so directed, in additional benefits to those provided by this Act, or in the absence of any such direction, to the general purposes of the fund. R.S.O. 1927, c. 331, s. 2 (10). Receiving gifts, etc., for fund.

**3.**—(1) Notwithstanding anything in this Act, or any other Act contained as of the 1st day of November, 1932, the investments held for the fund in debentures or stock of the Province of Ontario shall be ascertained and together with such uninvested funds as are not required for current expenses shall be transferred to the Province and the Lieutenant-Governor in Council may issue in exchange therefor debentures or Ontario Government stock having a par value equal to the par value of the debentures or stock transferred plus the uninvested funds transferred. Transfer of fund to the Province.

(2) The debentures or Ontario Government stock to be issued shall bear interest at the rate of four and three-quarters per centum per annum, payable half-yearly and shall be due and payable on the 1st day of November, 1942, and be a charge on the Consolidated Revenue Fund of Ontario. Issue of Ontario debentures for ten years.

(3) In each of the next ten years the Province of Ontario shall issue debentures or stock for the surplus funds accumulated and which are not required for current expenses, such debentures or stock to mature on the 1st day of November, 1942, and bear interest at the rate of four and three-quarters per centum per annum payable half-yearly. Issue of additional debentures until 1942.

(4) On the 1st day of November, 1942, the Treasurer of Ontario shall issue debentures or stock for all surplus funds in his hands as custodian of the fund, and which are not re- Issue of debentures maturing 1982.

quired for current expenses, including the principal of debentures and stock maturing on that date, bearing interest at the rate of four and three-quarters per centum per annum, payable half-yearly and maturing on the 1st day of November, 1982.

Interest rates for each decade.

(5) On or before the 1st day of November, 1942, a rate of interest shall be agreed upon between the Commission and the Province, which shall be payable by the Province on the surplus funds accumulating in the ten years ending on the 1st day of November, 1952, and similarly at the beginning of each period of ten years thereafter a rate of interest shall be agreed upon which shall be paid by the Province on surplus funds accumulating during such period of ten years, or becoming due at the end of such ten year period.

Subsequent debentures every decade.

(6) In each period of ten years the Treasurer of Ontario shall issue debentures or stock for the amount of surplus funds accumulated from time to time and which are not required for current expenses, such debentures or stock to become due and payable on the last day of the ten year period, and to bear interest at the rate agreed upon at the beginning of the period as being applicable for that period.

Subsequent issues of 40-year debentures at end of decades.

(7) At the end of each period of ten years the Treasurer of Ontario shall issue debentures or stock for the amount of surplus funds in his hands as custodian of the fund, and which are not required for current expenditures and for the amount of the debentures or stock which shall have become due at the end of such period of ten years, bearing interest at the rate agreed upon as outlined in subsection 5 and becoming due and payable forty years after the date of issue. 1932, c. 42, s. 19 (2).

#### CONTRIBUTIONS BY TEACHERS AND INSPECTORS.

Contributions by teachers and inspectors.

4.—(1) Every teacher and inspector employed in Ontario shall contribute to the fund as from the 1st day of September, 1936, three per centum of his salary in such manner as may be prescribed by the regulations. R.S.O. 1927, c. 331, s. 3 (1); 1936, c. 55, s. 46.

Contributions to fund by teachers in vocational schools for soldiers.

(2) Subject to the regulations the Commission may provide that a teacher qualified according to the regulations of the Department and engaged in teaching in Ontario in any school or classes conducted by the Government of Canada or the Government of Ontario, or under any joint arrangement between the Government of Canada and the Department, or the Government of Canada and the Minister for the instruction of returned soldiers and sailors who served during the

late war with Germany, may be permitted to contribute to the fund upon the same terms as teachers and inspectors contributing under subsection 1, and any teacher so contributing shall be admitted to the benefits provided for by this Act, but no contribution under this subsection shall be compulsory.

(3) If the salary of any teacher or inspector for any year is less than \$550, it shall be taken as being \$550 for the purposes of this Act. Salary to be estimated at not less than \$550.

(4) Every contribution payable under this section shall be made in payments on the dates of the payment of the instalments of the salary of the teacher or inspector and in the manner prescribed by the regulations. When contributions to be made.

(5) The amount payable by a teacher or inspector employed by a board or corporation or by the governing body of a faculty of education shall be deducted from his salary by the board or corporation or governing body as the case may be, and the Minister shall deduct the same from the total legislative grant payable to the board or corporation or governing body, and it shall be placed to the credit of the fund by the Treasurer of Ontario, and if the amount of such grant is less than the amount due from the corporation, board or governing body, it shall pay over the balance to the Treasurer and the amount so paid shall be placed to the credit of the fund. Deducting contributions from salaries.

(6) Where a teacher or inspector,—

- (a) has been granted leave of absence from his employment for any purpose and for any period permitted by the regulations; or
- (b) is employed by a board which refuses or neglects to comply with the provisions of subsections 4 and 5, of which by reason of noncompliance with any statute or regulation is disentitled to share in the legislative grant for the schools under its jurisdiction;

such teacher or inspector may make his contributions directly to the fund on such terms and conditions and at such times as may be prescribed by the regulations, and the contributions so paid shall be placed to the credit of the fund and shall be allowed to the teacher or inspector in fixing any allowance payable to him under the provisions of this Act.

(7) In the case of a teacher or inspector whose salary is paid directly or indirectly by the Government of Ontario, the amount payable by such teacher or inspector shall be retained out of his salary and placed to the credit of the fund by the Treasurer of Ontario. Government to retain contributions out of salaries.

Contributions by teachers employed otherwise than by boards.

(8) Where the salary of a teacher in a school or institution other than a school which is under the control of a board is paid in part by the public school board, separate school board or board of education and in part by the board of managers or other authority having the control and management of the school or institution, or is paid wholly by such board of managers or other authority, subject to the regulations, such teacher shall contribute upon the whole salary so paid to him and as to any portion of his salary not payable by a board may make his contribution directly to the fund on such terms and conditions, and at such times as may be prescribed by the regulations, and the contributions so paid shall be placed to the credit of the fund and shall be allowed to him in fixing any allowance payable to him under the provisions of this Act. R.S.O. 1927, c. 331, s. 3 (2-8).

#### CONTRIBUTIONS BY PROVINCE.

Contribution by Province.

5. The Treasurer of Ontario shall place to the credit of the fund at such time as shall be prescribed by the regulations, sums equal to two and one-half per centum of the salaries paid to every teacher and inspector employed in Ontario and coming under the provisions of this Act. 1936, c. 55, s. 47.

#### BENEFITS PAYABLE TO TEACHERS AND INSPECTORS.

Annual allowance on retirement after thirty-nine years' service.

6.—(1) Every teacher and every inspector who applies to the Minister for the superannuation allowance provided for by this Act and who furnishes to the Minister evidence that he has been employed for at least thirty-nine years prior to the date of such application and has retired from his profession and ceased to be so employed since the 31st day of December, 1916, and who produces such proof of age, length of employment and other evidence as may be required by the regulations shall be entitled to be paid during his lifetime an annual allowance chargeable against the fund equal to one-sixtieth of his average salary for the full number of years during which he has made contributions to the fund, multiplied by the number of full years during which he was employed, and all payments so made shall be debited to the fund, but,—

- (a) the years during which he has contributed to the fund shall count as full years of employment;
- (b) the years of employment completed prior to the 1st day of April, 1917, shall count each as a half year of employment;



- (c) contributions to any municipal or school board fund made prior to the 1st day of April, 1917, and paid over to the fund shall be considered as contributions to the fund;
  - (d) if the amount of the annual payment to the teacher or inspector as above determined is less than \$365, the amount payable annually to the teacher or inspector may be \$20 for each year of service, but not exceeding in the whole \$365;
  - (e) if the amount of such annual payment as above computed is more than \$1,000, the amount of the annual payment shall be \$1,000, but if at the time of his becoming entitled to such maximum allowance the teacher or inspector has paid into the fund a sum sufficient to purchase at Dominion Government rates a life annuity of a greater amount than \$1,000 per annum, the annual allowance payable to him under this Act shall equal the amount of such annuity;
  - (f) a teacher or inspector who has contributed to the fund mentioned in sections 125 to 127 of *The Public Schools Act*, and who has become subject to this Act under section 15 shall be entitled to receive in addition to any allowance under this section, an annual allowance equal to an annuity which might have been purchased by him at Dominion Government rates with the sums so contributed, but the total amount payable to him shall not exceed the maximum provided for in clause e; Rev. Stat.,  
c. 357.
  - (g) should a teacher or an inspector after retirement again become employed the allowance shall cease during the term of such employment, but may be resumed upon his again ceasing to be employed, and the period during which he has been so employed shall be allowed for in fixing the amount of his annual allowance on retirement; R.S.O. 1927, c. 331, s. 5 (1); 1933, c. 58, s. 33 (1); 1934, c. 52, s. 17 (1); 1936, c. 55, s. 48 (1).
  - (h) notwithstanding anything contained in any of the preceding clauses, the amount of such annual payment as above computed shall not exceed three-fifths of the average salary of the teacher or inspector as computed according to this subsection. 1933, c. 58, s. 33 (2).
- (2) A teacher or inspector who has been employed for at least thirty years, upon making the like application and furnish-
- Retirement  
after thirty  
years'  
service.

ing the like evidence of employment and retirement shall be entitled to an annual allowance actuarially equivalent to that provided for in the case of a teacher or inspector retiring after thirty-nine years' employment, having regard to the difference in length of service and the earlier age at which the allowance becomes payable. R.S.O. 1927, c. 331, s. 5 (2); 1934, c. 52, s. 17 (2).

Allowance  
to be paid  
monthly and  
to be apportionable.

(3) The annual allowance to teachers and inspectors under this section shall be payable in monthly instalments and shall be apportionable to date of death. R.S.O. 1927, c. 331, s. 5 (3).

Retirement  
on account  
of permanent  
disability.

(4) Every teacher and inspector who has been employed for at least fifteen years and who within two years from the date of his last employment makes application to the Minister for an annual allowance under this Act and produces the certificate of a legally qualified medical practitioner designated by the Minister which certificate is verified by an official medical referee appointed by the Minister, that he became incapacitated while employed and suffers from a physical disability which totally and permanently incapacitates him from further employment, shall be entitled to the annual allowance provided by subsection 1. 1930, c. 63, s. 21, *part*; 1933, c. 58, s. 33 (3).

Retirement  
on account  
of disability  
in other  
cases.

(5) Every teacher and inspector who has been employed for at least fifteen years and who within two years from the date of his last employment makes application to the Minister for an annual allowance under this Act and who produces the certificate of a legally qualified medical practitioner designated by the Minister which certificate is verified by an official medical referee appointed by the Minister, that while employed he has become physically incapacitated from employment may be granted an annual allowance actuarially equivalent to that provided in the case of a teacher or inspector retiring after thirty-nine years of employment, having regard to the difference in length of employment and the earlier age at which the allowance becomes payable, but no such allowance shall be less than \$240 per annum, with an additional \$10 over and above that amount for each year by which the age of the applicant exceeds sixty years. 1930, c. 63, s. 21, *part*; 1933, c. 58, s. 33 (4).

Medical  
certificate.

(6) The certificate of the legally qualified medical practitioner shall state whether or not the disability is likely to be permanent and whether or not there is any prospect of the teacher or inspector becoming again capable of employment.

Further  
evidence as  
to condition.

(7) The Commission may require a teacher or inspector who has been granted an annual allowance under subsection 4 or 5 to furnish such evidence from time to time of his physical

condition as the regulations may prescribe. 1930, c. 63, s. 21, *part.*

(8) Upon the death of a teacher or inspector while engaged Death. in the profession, his personal representatives shall be entitled to receive a sum equal to the total amount contributed by him to the fund during his lifetime with interest at the rate paid by the Province of Ontario Savings Office at the time the refund is made compounded half-yearly. R.S.O. 1927, c. 331, s. 5 (5); 1936, c. 55, s. 48 (3).

(9) In computing the period of employment of a teacher Crediting time spent on military or naval service. or inspector applying for an annual allowance under subsection 1, 2 or 4, due credit shall be given for time spent in military or naval service in defence of the Empire, including service as nurse or nursing sister or in any other capacity, where such time is duly certified as prescribed by the regulations.

(10) A teacher or inspector who has retired from his pro- Employment after retirement before passing of Act. fession and has ceased to be employed before the 12th day of April, 1917, shall not be entitled to the annual allowance provided for by subsection 1, 2 or 4 by reason of being employed after such date. R.S.O. 1927, c. 331, s. 5 (6, 7).

(11) Where for any of the purposes of this Act a teacher Certificate of employment. is required to furnish evidence as to any period or periods of years during which he has been employed as a teacher, he shall upon request in writing therefor be entitled to receive free of charge a written certificate from the secretary of any school board by which he has been employed as a teacher as to the period or periods of years of such employment, and it shall be the duty of such secretary to furnish the certificate when so requested. 1933, c. 58, s. 33 (5).

(12) Any teacher or inspector may be required by the Com- Proof of age. mission at any time to submit proof of age in such manner as the Commission may designate. 1936, c. 55, s. 48 (4).

**7.—**(1) Subject to the regulations a teacher or inspector may Power to designate how allowance may be applied. in writing signed by him and deposited with the Commission, at least three years prior to the date of his retirement from the profession, designate one of the following purposes to which any allowance payable to him upon retirement shall be applied, namely,—

- (a) in the purchase, out of the fund, of an annuity payable to himself during his lifetime and after his death to his widow or any dependent designated by him; or

(b) in the purchase, out of the fund, of a joint annuity for himself and his wife or any other dependents and the survivors or survivor of them.

Power to alter designation.

(2) A teacher or inspector may from time to time in writing signed by him and deposited with the Commission, at least three years prior to the date of his retirement from the profession, alter any designation made by him under subsection 1. 1932, c. 42, s. 19 (3).

When notice not given.

(3) A teacher or inspector who has not given the notice required within the time referred to in subsections 1 and 2, may at a later date secure the privileges set forth in such subsections by passing a medical examination satisfactory to the Commission. 1934, c. 52, s. 18.

Withdrawing from profession after five years.

8.—(1) Subject to the regulations a teacher or inspector withdrawing from the profession after having been employed for at least five years shall be entitled to receive the whole of his contributions made to the fund together with interest thereon and such interest shall be compounded half-yearly and shall be at the rate of four per centum per annum from the date of his retirement to the 30th day of June, 1936, and at the rate currently paid by the Province of Ontario Savings Office from the 1st day of July, 1936, to the date of the refund. R.S.O. 1927, c. 331, s. 6; 1930, c. 63, s. 22; 1936, c. 55, s. 49 (1).

Repayment on resuming teaching.

(2) Where a teacher or inspector has withdrawn his contributions from the fund and subsequently resumes work as a teacher or inspector, he shall repay with interest at the rate of four and three-quarters per centum per annum the money so withdrawn.

Where money owing to fund.

(3) Where a teacher or inspector has become in debt to the fund, he shall not be entitled to any benefits from the fund until he has repaid the debt or made an arrangement to do so approved by the Commission. 1936, c. 55, s. 49 (2).

Transfer of contribution to Public Service Superannuation Fund.

(4) Where a teacher or inspector becomes a member of the Ontario Public Service on or after the 1st day of March, 1937, and elects or is required to contribute to the Public Service Superannuation Fund there shall be paid over from the Teachers' and Inspectors' Superannuation Fund to the Public Service Superannuation Fund the whole of the contributions made to the Teachers' and Inspectors' Superannuation Fund by the teacher or inspector and in his behalf by the Ontario Government, together with interest thereon at the rate of four and three-quarters per centum compounded annually. 1937, c. 72, s. 58.

Death after becoming entitled to superannuation allowance.

9. Where a teacher or inspector dies after becoming entitled to the superannuation allowance provided for in section 6 his personal representatives shall be entitled to receive out of the



fund a sum sufficient to make the total amount received by him or his representatives equal to the total amount of his contributions to the fund with interest thereon at the rate paid by the Province of Ontario Savings Office at the time the refund is made. R.S.O. 1927, c. 331, s. 7; 1933, c. 58, s. 34; 1936, c. 55, s. 50.

**10.** Where a doubt exists as to the right of a teacher or inspector to any benefit under this Act and the Commission has endeavoured to procure the necessary evidence and other particulars and finds that owing to the delay in making the application it has become impossible to ascertain the facts, the Minister may reject the application. 1932, c. 42, s. 19 (4).

Rejection of claims through delay.

**11.**—(1) There shall be a triennial actuarial valuation of the fund, the next such valuation to be as at the 1st day of July, 1939, and the Minister may direct an additional valuation to be made at any time.

Actuarial valuation of fund.

(2) Where it appears to the Minister that the condition of the fund is such as to warrant the granting of benefits in addition to those hereinbefore mentioned the regulations may from time to time provide for,—

Granting additional benefits.

- (a) increasing the amount payable to a teacher or inspector retiring under the provisions of section 6;
- (b) reducing the number of years of employment necessary to entitle a teacher or inspector to a superannuation allowance under section 6; or
- (c) in the alternative or in addition to both or either of such benefits, any other additional benefit which the Minister may deem proper. R.S.O. 1927, c. 331, s. 8.

**12.**—(1) The annual allowance payable to a teacher or an inspector under this Act shall not be subject to his debts, or be attached or taken in execution, and no assignment of any moneys payable or to become payable to a teacher or inspector under this Act shall be valid or binding, but every sum so payable shall be payable directly to the teacher or inspector or to his personal representative.

Allowance not to be subject to attachment, etc., or assignment.

(2) Notwithstanding anything in this Act contained where any person to whom an allowance is payable under this Act is mentally ill or is otherwise physically or mentally incapable of managing his own affairs, or is an inmate of a hospital for mentally ill, mentally defective or epileptic persons or of any institution, the Commission appointed under section 16 may

Where payee mentally ill, etc.

direct that any cheque for moneys payable to such person shall be made payable to his wife or child, or to some other member of his family or household, and in that case the endorsement of the cheque by the person so designated by the Commission shall be a sufficient discharge of the fund to the extent of such payment. R.S.O. 1927, c. 331, s. 9.

Conclusive  
evidence of  
retirement.

Rev. Stat.,  
c. 357.

**13.** A teacher or inspector who has applied for and received an annual allowance from the Province under *The Public Schools Act*, or under any municipal by-law, or from any fund provided by a board for the superannuation of teachers and inspectors, shall be conclusively deemed to have retired from the profession and to have ceased to be employed within the meaning of this Act from the date when the application for such allowance or gratuity was first made and accepted. R.S.O. 1927, c. 331, s. 10.

Notice by  
teacher or  
inspector  
becoming  
employed,  
after super-  
annuation.

**14.** A teacher or inspector who, after the granting of an allowance made under this Act, enters the employment of a board either temporarily or permanently, shall give notice to the Department of such employment in the manner prescribed by the regulations, and in default of so doing shall forfeit any further claim to any benefit under this Act. R.S.O. 1927, c. 331, s. 11.

#### STATUS OF TEACHERS AND INSPECTORS WHO WERE CONTRIBUTORS TO PUBLIC SCHOOL SUPERANNUATION FUND.

Superannu-  
ation allow-  
ance under  
Public  
Schools Act.  
Rev. Stat.,  
c. 357.

**15.—(1)** A teacher or an inspector in receipt of a superannuation allowance payable by the Province under *The Public Schools Act* shall continue to receive such superannuation allowance as if this Act had not been passed but shall have no claim to the allowance provided for by this Act.

Provision  
for contri-  
butors who  
have elected  
to come  
under  
Teachers'  
and  
Inspectors'  
superannu-  
ation Act.

Rev. Stat.,  
c. 357.

**(2)** A teacher or an inspector who was employed on the 12th day of April, 1917, and who elected to become subject to the provisions of *The Teachers' and Inspectors' Superannuation Act, 1917*, as provided by that Act, shall have no claim against the Province in respect of any contributions made by him under *The Public Schools Act* before that date, provided that where it appears to the Commission that by reason of a subsequent increase in the amount of the allowance to be made upon superannuation under *The Public Schools Act* that such teacher or inspector has been granted or will be granted upon retirement under this Act an allowance less in amount than he would have been entitled to had he not made such election, the Commission may increase the annual allowance payable to such teacher or inspector to an amount equal

to that which he would have received had he not made such election, provided that the total amount to be received by him shall not exceed the maximum provided for in clause *e* of subsection 1 of section 6. R.S.O. 1927, c. 331, s. 12.

#### COMMISSION.

**16.**—(1) A teacher or an inspector shall not be entitled to any allowance provided for by this Act until his claim to such allowance has been approved by the Minister upon the report of a commission consisting of five members who shall be appointed and elected triennially as follows:—

Commis-  
sion on  
claims.

(a) An actuary and two other persons appointed by the Minister;

(b) Two teachers or inspectors who are members of the Ontario Educational Association, elected at the annual meeting of such Association, by the teachers and inspectors present and voting thereat.

(2) The election of representatives by the Ontario Educational Association shall be conducted in such manner as the majority of the members of the Association present and voting at the meeting may decide.

Election.

(3) The Minister shall triennially designate one of the members of the Commission to be the chairman thereof.

(4) A vacancy occurring in the Commission among the members appointed by the Minister shall be filled by the Minister and a vacancy occurring among the members appointed by the said Association shall be filled by the election of a person to fill such vacancy at the next annual meeting of the Association, and the board of directors of the Association, at a special meeting to be called for that purpose, upon notice of such vacancy from the Minister, may appoint a teacher or inspector who is a member of the Association to fill the vacancy until such election can be held. R.S.O. 1927, c. 331, s. 13.

Vacancies.

(5) Each member of the Commission shall continue to hold office until his successor is duly appointed, or elected, as the case may be. 1936, c. 55, s. 51.

Tenure of  
office.

#### REGULATIONS.

**17.** Regulations may be made by the Minister with the approval of the Lieutenant-Governor in Council as provided by *The Department of Education Act*,—

Regula-  
tions.

Rev. Stat.,  
c. 356.

Evidence as to claims.

- (a) respecting evidence to be furnished by teachers and inspectors claiming to be entitled to the annual allowance or to any other benefit payable under this Act;

Conditions upon which allowance to be granted.

Rev. Stat. c. 357.

- (b) respecting the conditions upon which the teachers or inspectors now employed and contributing to the superannuation fund provided for by *The Public Schools Act* may be entitled to receive an annual allowance as provided for by this Act;

Temporary employment.

- (c) defining the classes of temporary, special or occasional teachers and providing that persons employed in any such class shall not be liable to contribute to the fund or be entitled to share in its benefits;

Permitting contributions from teachers employed in office of board or inspector.

- (d) for permitting a teacher to contribute to the fund where such teacher has been employed by a board and has since such employment been engaged in the office of the board of education of a city or town, or of an inspector, in work which in the opinion of the Minister requires the professional qualifications and experience of a teacher, and for providing that a teacher while so engaged shall be deemed to be employed within the meaning of this Act;

Returns by board.

- (e) requiring any board or corporation to make returns as to the teachers and inspectors employed by the board or corporation;

Date of payment to fund.

- (f) prescribing the dates upon and the manner in which payments shall be made into the fund; R.S.O. 1927, c. 331, s. 14, cls. (a-f).

Teachers exchanging under arrangement with British Empire League.

- (g) providing that teachers from overseas or from other provinces of Canada engaged in teaching in Ontario under arrangement with the British Empire League and approved by the Minister shall not be required to contribute to the fund, and that teachers from Ontario engaged in teaching overseas or in other provinces of Canada shall, at their option, have the right to contribute to the fund while so engaged and that the period of such engagement while making such contribution shall be counted for the purposes of this Act as employment in Ontario; R.S.O. 1927, c. 331, s. 14, cl. (g); 1933, c. 58, s. 35.

Date of payment to teacher.

- (h) prescribing the date upon which payment is to be made on account of the fund to any teacher or inspector;



- (i) prescribing the time and place at which the Commission mentioned in section 16 shall meet and the procedure of the Commission; R.S.O. 1927, c. 331, s. 14, cls. (h, i). Meetings and procedure of Commission.
- (j) prescribing the conditions upon which a teacher or inspector retiring from the profession before becoming entitled to a superannuation allowance may withdraw his contributions from the fund, and defining his status as regards the fund upon his return to employment in the profession, and defining and limiting the time and manner in which the right to so withdraw contributions may be exercised, and prescribing the time within which, after he returns to the profession, his contributions to the fund may be returned to it. 1929, c. 84, s. 13. Regulations as to withdrawal of contributions.
- (k) providing for the withholding of any grant or other sum payable by the Province to a board or corporation in case of any default in making the payments or returns required by this Act or the regulations; Where default in payment or returns.
- (l) generally for the better carrying out the provisions of this Act. R.S.O. 1927, c. 331, s. 14, cls. (j, k), General.

SPECIAL GRANTS TO TEACHERS AND INSPECTORS NOT  
ENTITLED TO SUPERANNUATION.

**18.** Regulations may be made in the manner provided by *The Department of Education Act* for the payment of an annual allowance to teachers and inspectors who have retired from the profession and ceased to be employed before the 1st day of January, 1917, out of any sum appropriated by the Legislature for that purpose, and the regulations may provide,— Regulations as to payment of allowances to teachers and inspectors not entitled to share in fund.

- (a) that the application for any such allowance shall be referred to the Commission for inquiry and report thereon; Rev. Stat., c. 356.
- (b) for payment of the allowance by the Minister upon the report of the Commission and prescribing the dates and manner of payment thereof;
- (c) as to the length of service, age and other circumstances which shall entitle a teacher or inspector to receive any such annual allowance;
- (d) as to what proportion such annual allowance shall bear to the salary earned by the teacher or inspector at the time of retirement or for any specified period before retirement;

(e) as to the evidence to be furnished by teachers and inspectors applying for any such annual allowances;

but no teacher or inspector shall be entitled to any allowance out of such appropriation who is in receipt of any superannuation or other allowance under *The Public Schools Act* or this Act or from any school board or municipal corporation. R.S.O. 1927, c. 331, s. 15 (1).

Rev. Stat.,  
c. 357.

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## CHAPTER 367.

## The School Attendance Act.

## 1. In this Act,—

Interpreta-  
tion.

- (a) "Guardian," in addition to having the meaning ascribed in law, shall mean and include any person who has received into his home another person's child under the age of fourteen years who is resident with him or in his care or legal custody;
- (b) "Inspector" shall mean inspector of public or separate schools; "In-  
specter."
- (c) "Principal" shall mean head teacher of a public or separate school; "Princi-  
pal."
- (d) "Regulations" shall mean regulations made under the authority of *The Department of Education Act* or of this Act; "Regula-  
tions."  
Rev. Stat.,  
c. 356.
- (e) "School" shall mean any school established under any statute, the administration and enforcement of which is vested in the Minister of Education. R.S.O. 1927, c. 332, s. 1; 1932, c. 42, s. 20. "School."

2. Except as provided in this Act, every child between eight and fourteen years of age shall in each year for the full term during which the school is open attend school in the school section or municipality in which he resides or other school which he is required or entitled by law to attend. 1932, c. 42, s. 21. Children  
to attend  
school.

3. Except as provided by this Act, it shall be the duty of the parent or guardian of every child between eight and fourteen years of age to have such child attend school as required by this Act. 1932, c. 42, s. 22. Duty of  
parent or  
guardian.

4.—(1) A parent, guardian or other person shall not be liable to any penalty imposed by this Act in respect of a child if,— When  
attendance  
excused.

- (a) the child is under efficient instruction in reading, spelling, writing, grammar, geography and arithmetic;

- (b) the child is unable to attend school by reason of sickness or other unavoidable cause;
- (c) there is no public or separate school which the child has the right to attend within two miles measured by the nearest highway from such child's residence, if he is under ten years of age, or within three miles if he is over that age, and transportation is not provided by the school board for the children going to and from the public or separate school of the section or municipality;
- (d) there is not sufficient accommodation in the school which the child has the right to attend; R.S.O. 1927, c. 332, s. 4 (1), cls. (a-d).
- (e) the child has been excused by the school attendance officer as hereinafter provided; 1932, c. 42, s. 23.
- (f) the child has passed the university matriculation examination in Arts, or has completed the examination for admission to the normal schools or a course which gives him an equivalent standing;
- (g) the child is absent from school for the purpose of receiving instruction in music and the period of such absence does not exceed one half day in each week; R.S.O. 1927, c. 332, s. 4 (1), cls. (f, g).
- (h) the child is officially excluded from attendance at school under any provisions of the school laws or regulations. 1930, c. 63, s. 24 (1).

Child who  
is blind  
or deaf.

(2) The fact that a child is blind or deaf shall not be deemed an unavoidable cause within the meaning of clause b of subsection 1 if the child is a fit subject for admission to the Ontario School for the Blind or the Ontario School for the Deaf, and in case of need, his fitness shall be determined by a committee to be appointed by the Minister. R.S.O. 1927, c. 332, s. 4 (2); 1930, c. 63, s. 24 (2).

Inquiry by  
provincial  
officer.

(3) The provincial school attendance officer may inquire as to the instruction given to any child who is not attending school or as to any other reason or excuse for non-attendance of a child at school, and as to the general educational proficiency of such child, and the other circumstances of the case, and may by order in writing signed by him, determine whether or not the child shall be exempt from school attendance, and if he deems the instruction given to the child is inadequate, or that there is no valid reason why the child should not attend school, he may by such order direct that the child shall attend



school, and thereafter, and so long as such order remains in force, the child shall not be excused from school attendance under the provisions of subsection 1.

(4) Where a child over five years of age, but under eight, has been enrolled as a pupil in a public or separate school, the provisions of this Act shall apply during the school term for which the child is enrolled as if he was of an age between the ages of eight and fourteen. R.S.O. 1927, c. 332, s. 4 (3, 4). Children attending school before eight years of age.

**5.**—(1) Except as provided by subsection 2, no child under the age of fourteen years shall be employed by any person during school hours, and any person who employs a child in contravention of this section shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 332, s. 5 (1). Employment of children during school hours.

(2) Where, in the opinion of the school attendance officer, the services of a child under the age of fourteen years are required in husbandry, or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, the school attendance officer may, by certificate setting forth the reasons therefor, relieve such child from attending school for any period not exceeding six weeks out of each school term so long as such child is required in any occupation stated in the certificate. 1930, c. 63, s. 25. Certificate relieving from attendance.

**6.** The Lieutenant-Governor in Council may appoint an officer, to be known as the provincial school attendance officer, whose duty it shall be, under the direction of the Minister, and subject to the regulations, to superintend and direct the enforcement of this Act and in that behalf to perform such duties and exercise such powers as may be prescribed by this Act and the regulations. R.S.O. 1927, c. 332, s. 6. Appointment and duties of provincial officer.

**7.** Where it appears to the Minister that in any territory without municipal organization or in unsurveyed territory school trustees are not providing accommodation for the children entitled to attend school, or have neglected or failed to raise the necessary funds for the establishment and maintenance of a school, or have in other respects failed to comply with *The Public Schools Act* and the regulations, or that the election of trustees has been neglected and no regular board of trustees is in existence, the Minister may by commission under his hand authorize and direct the provincial school attendance officer to do all things, and exercise all powers which may be necessary for the establishment and maintenance of a school, the erection of school buildings and providing accommodations, the opening Provincial officer acting as trustee.

Rev. Stat., c. 357.

and conducting of a school, the assessing and levying of all sums of money required for school purposes, and generally whatever may be required for the purpose of establishing, maintaining and conducting a school in accordance with *The Public Schools Act* and the regulations, and thereupon the provincial school attendance officer shall have and may exercise and perform with regard to all matters set forth in the commission, all the authority, powers and duties vested in, and to be performed by a board of school trustees under *The Public Schools Act* and the regulations. R.S.O. 1927, c. 332, s. 7.

Appoint-  
ment of  
attendance  
officers.

8.—(1) The board of education or public school board, high school board and separate school board in every urban municipality shall appoint a school attendance officer or two or more school attendance officers for the enforcement of this Act, but two or more of the said school corporations may appoint the same attendance officer or officers, if, in the judgment of the Minister, the interests of economy and efficiency may be better served thereby. R.S.O. 1927, c. 332, s. 8 (1); 1930, c. 63, s. 26 (1), *part*.

Time of  
appoint-  
ment.

(2) The appointment or re-appointment of a school attendance officer shall be made by the appointing body not later than the last meeting for the year, and any vacancy created by resignation or otherwise shall be filled by the said body at the earliest possible time after the vacancy occurs. 1930, c. 63, s. 26 (1), *part*.

Powers as a  
peace officer.

(3) A school attendance officer shall, for the purposes of this Act, be vested with the powers of a peace officer and shall have authority to enter factories, workshops, stores, shops and all other places where children may be employed or congregated, or at the request of the parent or guardian, shall have authority to apprehend and deliver to the school from which he is absent or to his parent or guardian, without warrant, such child found illegally absent from school, and shall perform such services as may be necessary for the enforcement of this Act.

Appoint-  
ment of  
attendance  
officers in  
townships.

(4) The council of every township shall appoint a school attendance officer or school attendance officers who shall have the same powers and perform the same duties as school attendance officers in an urban municipality, but the appointment of a school attendance officer by the council of a township shall not affect the powers and duties of a school attendance officer heretofore or hereafter appointed as provided in subsection 5. R.S.O. 1927, c. 332, s. 8 (2, 3).

In un-  
surveyed  
or unor-  
ganized  
territory.

(5) A board of public school trustees or a board of separate school trustees may appoint a school attendance officer or school attendance officers,—

- (a) for any school or schools over which they have charge in unsurveyed territory or in territory without municipal organization;
- (b) for any public or separate school in the Province in which not fewer than five teachers are employed. 1930, c. 63, s. 26 (2).

(6) The municipality or school corporation appointing a school attendance officer may make rules not inconsistent with the provisions of this Act or the regulations for the direction of such officer. R.S.O. 1927, c. 332, s. 8 (6).

(7) Notice of every appointment made under this section shall be given in writing by the appointing body to the provincial school attendance officer and to the inspector, and in case of an appointment by the council of the township, to every public and separate school board of the township, and to the public and separate school inspectors. R.S.O. 1927, c. 332, s. 8 (7); 1930, c. 63, s. 26 (3).

(8) A woman shall be eligible for appointment as a school attendance officer.

Women  
may be  
appointed.

(9) Every school attendance officer shall report monthly to the body appointing him and annually to the provincial school attendance officer, according to the form provided by the regulations.

Monthly  
report.

(10) A school attendance officer shall perform his duties under the direction of the inspector, and shall at all times carry out the instructions and directions of the provincial school attendance officer. R.S.O. 1927, c. 332, s. 8 (8-10).

To act  
under in-  
spector and  
provincial  
officer.

**9.** The clerk of the municipality shall furnish to the secretary of every public and separate school board in the municipality the particulars recorded in the book prepared by the assessor under subsection 1 of section 33 of *The Assessment Act* as to children whose parents or guardians are supporters of the schools under the control of the board, but a board of education or board of school trustees shall have authority to make a complete census of all children resident in the municipality or school section who are not of the age of twenty-one years. R.S.O. 1927, c. 332, s. 9.

Clerk to  
furnish  
secretary of  
board with  
list pre-  
pared under  
Rev. Stat.,  
c. 272.

Census of  
children by  
board.

**10.** Every school attendance officer shall examine into every case of non-compliance with this Act within his own knowledge or when requested so to do by the inspector, or by a principal of a school, a teacher, or a ratepayer, and shall warn the parent or guardian of children not attending school in compliance with this Act, in writing, of the consequences of such non-com-

Inquiries as  
to non-  
attendance  
and notice  
to parents,  
etc.

pliance, and shall also give notice in writing to the parents, guardian or other person having the authority or control of a child between the ages of eight and fourteen years who is not attending school as required by this Act, to cause the child to attend school forthwith. R.S.O. 1927, c. 332, s. 10.

Liability of  
parents.

**11.**—(1) A parent, or guardian or other person having the charge or control of any child between the ages of eight and fourteen years, who neglects or refuses to cause such child to attend school unless such child is excused from attendance as provided by this Act, shall incur a penalty of not less than \$5 nor more than \$20.

Requiring  
bond for  
attendance.

(2) The court may, instead of imposing a penalty, require a person convicted of an offence under this section to give a bond in the penal sum of \$100, with one or more sureties to be approved by the court, conditioned that the person convicted shall, after the expiration of five days, cause the child to attend school as required by this Act. R.S.O. 1927, c. 332, s. 11.

Proceed-  
ings to be  
taken by  
officers.

**12.** Proceedings against a parent, guardian or other person having the charge or control of a child, or against any other person violating any of the provisions of this Act shall be instituted by the school attendance officer. R.S.O. 1927, c. 332, s. 12.

Report  
of teacher  
on non-  
attendance.

**13.**—(1) The teacher or principal of every public, separate, high or vocational school shall report to the school attendance officer in charge of the school at such times and in such manner as is required by the regulations in that behalf, the names, ages, and residences of all pupils of school age who have not attended school as required by this Act, together with such other information as the school attendance officer may require for the enforcement of this Act. 1930, c. 63, s. 27.

Report on  
expulsion.

(2) The teacher or principal, as the case may be, shall forthwith report to the school attendance officer every case of expulsion.

Where there  
is no school  
attendance  
officer.

(3) Where there is no school attendance officer and a child has failed to attend school or has attended so irregularly as in the opinion of the inspector to necessitate special action, the inspector shall notify the parents or guardian of the child of the provisions of this Act.

How non-  
attendance  
or irregular  
attendance  
ascertained.

(4) The non-attendance or irregular attendance of the child shall be ascertained by the teacher of the school which the child should attend by reference to the school register and to the particulars from the list prepared under subsection 1 of



section 33 of *The Assessment Act* transmitted by the clerk of the municipality to the secretary of the board, and the teacher shall report such non-attendance or irregular attendance to the inspector and to the school attendance officer. Rev. Stat., c. 272.

(5) It shall be the duty of the inspector, when inspecting every school in his inspectorate, to see that the duties of the school attendance officer are properly performed and that the provisions of subsections 3 and 4 are complied with and to report any breach thereof to the Department of Education. Duty of inspector. R.S.O. 1927, c. 332, s. 13 (2-5).

**14.** Where any of the provisions of this Act are violated by a corporation, proceedings may be had against every officer or agent of the corporation who is a party to such violation, and such officer or agent shall be subject to the same penalties as any other person similarly offending. R.S.O. 1927, c. 332, s. 14. Violations of Act by corporations.

**15.** Every person and officer charged with the duty of enforcing any provision of this Act who neglects to perform the duty imposed upon him shall incur a penalty not exceeding \$10 for each offence. R.S.O. 1927, c. 332, s. 15. Penalty for neglecting to enforce Act.

**16.** The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act* and the moneys accruing from such penalties shall be handed to the board of education or the board of trustees of the school of which the person penalized is a supporter, to be applied to school purposes. 1930, c. 63, s. 28. Penalties, recovery and application of. Rev. Stat., c. 136.

**17.** A conviction or order made in any matter arising under this Act shall not be removed either at the instance of the Crown or of any private person into the Supreme Court. R.S.O. 1927, c. 332, s. 17. Convictions not to be removed.

**18.** Where a person is charged with an offence under this Act in respect to a child who is alleged to be within the ages of eight and fourteen years and the child appears to the court to be within such ages the child shall, for the purposes of this Act, be deemed to be within such ages unless the contrary is proved. R.S.O. 1927, c. 332, s. 18. Onus of proof of age of child.

**19.—(1)** Nothing herein shall be held to require the child of a Roman Catholic who is a separate school supporter to attend a public school or to require the child of a public school supporter to attend a Roman Catholic separate school. Children of separate school supporters.

Absence on  
holy days  
excused.

(2) No penalty shall be imposed in respect to the absence of a child from school on a day regarded as a holy day by the church or religious denomination to which such child belongs. R.S.O. 1927, c. 332, s. 19.

Regula-  
tions.  
Rev. Stat.,  
c. 356.

**20.** Regulations may be made in the manner provided by *The Department of Education Act*—

Qualifica-  
tions and  
duties of  
officers.

(a) prescribing the duties and qualifications of the provincial school attendance officer and of school attendance officers, inspectors, and other officers acting under this Act;

Notices and  
returns.

(b) respecting the notices to be given and the returns to be made under this Act and the time and manner of giving or making the same;

Forms.

(c) prescribing the forms to be used under this Act;

General.

(d) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 332, s. 20.

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CHAPTER 368.

The Adolescent School Attendance Act.

1. In this Act,—

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|--|---|
| (a) "Adolescent" shall mean a person of either sex who is not more than eighteen years of age, and who is exempted from school attendance under <i>The School Attendance Act</i> ;   | Interpretation.<br>"Adolescent."<br>Rev. Stat., c. 367. |
| (b) "Guardian" in addition to having the meaning ascribed in law, shall mean and include any person who has received into his home an adolescent child of another person and which adolescent is resident with him or in his care or legal custody;  | "Guardian."   |
| (c) "Minister" shall mean Minister of Education;   | "Minister."   |
| (d) "Regulations" shall mean regulations made under the authority of <i>The Department of Education Act</i> or of this Act;  | "Regulations."<br>Rev. Stat., c. 356.                   |
| (e) "School" shall mean a school organized under <i>The Public Schools Act, The Separate Schools Act, The Continuation Schools Act, The High Schools Act</i> or <i>The Vocational Education Act</i> . R.S.O. 1927, c. 333, s. 1; 1932, c. 42, s. 24. | "School."<br>Rev. Stat., cc. 357, 362, 359, 360, 369.   |

2.—(1) Every adolescent between fourteen and sixteen years of age shall attend school for the full time during which the schools of the municipality in which he resides are open each year unless excused for the reasons hereinafter mentioned.

(2) The obligation to attend school under this section shall not apply to any adolescent if—

- |  |                                      |
|--|--------------------------------------|
| (a) he is unable to attend school by reason of sickness, infirmity, or other physical defect;  | Compulsory attendance from 14 to 16. |
| (b) he is employed on the authority of a home permit or of an employment certificate as hereinafter provided;  | Exceptions.                          |
| (c) he has passed the matriculation examination of an approved university or has completed, to the satisfaction of the Department of Education, a course |                                      |

of study which may be regarded as the equivalent of the requirements of such examination; or

(d) he is in attendance at some other educational institution approved by the Minister.

Exceptions  
in rural  
school  
sections.

(3) The obligation to attend school under this section shall not apply to any adolescent whose parents or guardians reside in a rural school section and whose services are required in the household or on the farm of his parents or guardians, and adolescents exempt under this section shall not be required to obtain home permits as provided in subsection 1 of section 3. R.S.O. 1927, c. 333, s. 2.

Home  
permits.

**3.**—(1) Where, in the opinion of the school attendance officer, the services of an adolescent between fourteen and sixteen years of age are required in any permitted occupation in or about the home of his parent or guardian, he may be granted by an attendance officer, on the written application of his parent or guardian, a home permit to engage in such services.

Employ-  
ment certifi-  
cates.

(2) Where, in the opinion of the school attendance officer, the services of an adolescent between fourteen and sixteen years of age are required in some permitted gainful occupation for the necessary maintenance of such adolescent or some person dependent upon him, he may be granted by an attendance officer, on the written application of his parent or guardian, an employment certificate to engage in such services. R.S.O. 1927, c. 333, s. 3.

Hours dur-  
ing which  
employ-  
ment pro-  
hibited.

**4.** No adolescent between fourteen and sixteen years of age shall be employed by any person during the hours from 8 a.m. to 5 p.m., unless he holds a home permit, or an employment certificate, as provided for in section 3. R.S.O. 1927, c. 333, s. 4.

Part-time  
courses  
between  
14 and 16.

**5.** Every adolescent between fourteen and sixteen years of age who holds either a home permit or an employment certificate, shall attend part-time courses of instruction, approved by the Minister, for an aggregate of at least four hundred hours each year, distributed as regards times and seasons as may best suit the circumstances of each locality, when such part-time courses of instruction are established in the municipality in which he is employed. R.S.O. 1927, c. 333, s. 5.

Between  
16 and 18.

**6.**—(1) Unless excused for reasons hereinafter mentioned, every adolescent between sixteen and eighteen years of age shall attend part-time courses of instruction, approved by the



Minister, for an aggregate of at least three hundred and twenty hours each year, distributed as regards times and seasons as may suit the circumstances of each locality, when such courses of instruction are established in the municipality in which he resides or is employed.

(2) The obligation to attend part-time courses of instruction under this section shall not apply to any adolescent if—

- (a) he is unable to attend such courses by reason of sickness, infirmity, or other physical defect;
- (b) he has passed the matriculation examination of an approved university or has completed, to the satisfaction of the Department of Education, a course of study which may be regarded as the equivalent of the requirements of such examination;
- (c) he is in full-time attendance at a public or a separate school, a high school, a university, or other school approved by the Minister;
- (d) he is shown to the satisfaction of the public school inspector in the municipality in which he resides to have been, up to the age of sixteen, under full-time instruction in a school recognized by the Department of Education as efficient, or under suitable and efficient full-time instruction in some other manner. R.S.O. 1927, c. 333, s. 6.

7. No adolescent between sixteen and eighteen years of age in a municipality in which part-time courses of instruction approved by the Minister are maintained shall be employed by any person unless he holds either a school dismissal card or a school registration card to be issued as provided in the regulations. R.S.O. 1927, c. 333, s. 7.

8. Every urban municipality with a population of 5,000 and over shall, and any other municipality or school section may, through the authorities hereinafter named, establish and maintain part-time courses of instruction for the education of adolescents between fourteen and eighteen years of age. R.S.O. 1927, c. 333, s. 8.

9. The subjects of the courses of study for adolescents shall be selected from those prescribed by the Department of Education for the public and separate schools, the high schools, the art, industrial, and technical schools and classes, the commercial high schools and the commercial departments of the high schools, and the agricultural and household science departments in high schools. R.S.O. 1927, c. 333, s. 9.

Control of  
part-time  
courses.

**10.**—(1) Subject to the regulations of the Department of Education courses for adolescents in the public and separate schools respectively, shall be provided by and shall be under the control of the boards of such schools, and those in the continuation schools and the high schools shall be provided by and shall be under the control of the boards of said schools.

Courses for  
study under  
Rev. Stat.,  
c. 369.

(2) Where schools or classes have been established under *The Vocational Education Act*, the courses of study for adolescents engaged in trades or in industrial or manufacturing occupations, shall be provided by and shall be under the control of the advisory vocational committee.

Advisory  
commercial  
committee.

(3) In a municipality where there is a commercial high school or a commercial department in a high school, the courses for adolescents engaged in commercial occupations shall be provided by and shall be under the control of the advisory commercial committee. R.S.O. 1927, c. 333, s. 10.

Hours of  
instruction.

**11.** Classes providing part-time courses of instruction for adolescents shall be in session for the same number of days in each year as the high schools of the Province, and such classes shall not open before 8 a.m. nor close later than 5 p.m. R.S.O. 1927, c. 333, s. 11.

Inspection.

**12.** The part-time courses for instruction for adolescents shall be subject to such inspection as the Minister may prescribe. R.S.O. 1927, c. 333, s. 12.

Suspension  
of employ-  
ment during  
hours of  
instruction.

**13.** The employment of any adolescent who is under an obligation under this Act to attend part-time courses of instruction shall be suspended on any day when his attendance at such courses is required, not only during the period for which he is required to attend the courses, but also for such additional time as is necessary for him to travel to or from the school where instruction is given. R.S.O. 1927, c. 333, s. 13.

Time of  
instruction  
included in  
legal hours  
of employ-  
ment.

**14.** The time spent by an adolescent in attendance at part-time courses of instruction shall be reckoned as a part of the number of hours per day or per week that such adolescent may be lawfully employed. R.S.O. 1927, c. 333, s. 14.

Offences and  
penalties.

**15.**—(1) Every person who—

(a) employs an adolescent who does not hold either

(i) a home permit or an employment certificate as defined in section 3; or

- (ii) a school dismissal card or a school registration card as defined in section 7; or
- (b) employs an adolescent at any time during which his attendance is by this Act required at part-time courses of instruction; or
- (c) employs such adolescent for such a number of hours as with the number of hours during which the adolescent is required to attend such courses will exceed in any day or week the number of hours during which such adolescent may be lawfully so employed; or
- (d) being a parent or guardian of an adolescent, has conducted to or connived at the failure on the part of an adolescent to attend part-time courses of instruction as required under this Act, or suffers or permits such adolescent, through want of proper care or control, to violate any of the obligations of this Act;

shall incur a penalty not exceeding \$5 for the first offence, and in the case of a second or subsequent offence in relation to the same adolescent or another adolescent, shall incur a penalty not exceeding \$25.

(2) The penalties imposed by this section shall be recoverable under *The Summary Convictions Act* and shall be applied to such purposes as the Minister may direct. R.S.O. 1927, c. 333, s. 15. Application of penalties. Rev. Stat., c. 136.

**16.** The school attendance officer in the municipality in which an adolescent is employed may revoke the home permit, the employment certificate, or the school registration card of an adolescent who fails to attend part-time courses of instruction as required by the provisions of this Act. R.S.O. 1927, c. 333, s. 16. Revocation of home permits, etc.

**17.** It shall be the duty of a school attendance officer appointed under the provisions of *The School Attendance Act* to enforce in his municipality the provisions of this Act and for such purpose he shall have and may exercise the powers conferred on him under *The School Attendance Act*. 1932, c. 42, s. 25. Duty of attendance officer. Rev. Stat., c. 367.

**18.** No penalty shall be imposed in respect to the absence of an adolescent from any part-time course of instruction established under this Act on a day regarded as a holy day Absence on holy days.

by the church or religious denomination to which the adolescent belongs. R.S.O. 1927, c. 333, s. 18.

Application  
of legisla-  
tive appro-  
priation.

**19.** Municipalities maintaining such part-time courses of instruction for adolescents as are approved by the Minister as to organization, control, location, equipment, courses or study, qualifications of teachers, methods of instruction, conditions of admission, employments of pupils, and expenditures of money, may receive reimbursement from sums appropriated by this Legislature for this purpose or for technical or agricultural education, in amounts and under conditions prescribed in the regulations. R.S.O. 1927, c. 333, s. 19.

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## CHAPTER 369.

## The Vocational Education Act.

## 1. In this Act,—

- (a) "Board" shall mean and include a board of education, a board of high school trustees, and a continuation school board; Interpretation.  
"Board."
- (b) "County pupils" shall mean pupils who reside or whose parents or guardians reside in a municipality or portion of a municipality forming part of the county but not within the limits of a high school district or a grade A or grade B continuation school section, in which a vocational school or department is established and maintained, but any pupils resident in a high school district, or a grade A or grade B continuation school section shall be regarded as county pupils in respect of a vocational school, or other school having a vocational department, when such school,— "County pupils."
- (i) is reasonably accessible to such pupils while the vocational school or other school having a vocational department in the district or section in which they reside is not thus accessible, or
- (ii) provides for such pupils a course of study which is not offered in the vocational school or other school having a vocational department in their own district or section;
- (c) "Minister" shall mean Minister of Education; "Minister."
- (d) "Regulations" shall mean regulations made under the authority of *The Department of Education Act* or of this Act; "Regulations."  
Rev. Stat.,  
c. 356.
- (e) "Resident pupils" shall mean pupils who reside or whose parents or guardians reside in municipalities within the limits of a high school district or a grade A or grade B continuation school section in which a vocational school or other school having a vocational department is established and maintained, or who are assessed or whose parents or guardians are assessed within such high school district or grade A or grade B continuation school section for an amount equal to the average assessment of the ratepayers therein. 1930, c. 64, s. 2; 1937, c. 68, s. 31. "Resident pupils."

## PART I.

## VOCATIONAL SCHOOLS ESTABLISHED BY BOARDS.

Application  
of Act.

**2.** This Part shall apply to all art, industrial and technical schools and courses, heretofore established under Acts of this Legislature respecting high schools and technical schools and in operation on the 24th day of March, 1911; to the industrial and art schools and courses and to the technical, the agricultural, and the commercial high schools and high school courses heretofore established under *The Industrial Education Act* and under the regulations; and to the vocational schools and departments hereafter established under this Part. 1930, c. 64, s. 3.

Rev. Stat.,  
1914, c. 276.

Classes of  
schools  
which may  
be estab-  
lished.

**3.** With the approval of the Minister, a high school board, a board of education, or a continuation school board of any municipality or school section may provide for duly admitted pupils in the following classes of vocational schools:

- (1) Industrial schools and departments.
- (2) Home-making schools and departments.
- (3) Art schools and departments.
- (4) Technical high schools and departments.
- (5) Agricultural high schools and departments.
- (6) Commercial high schools and departments.

1930, c. 64, s. 4.

Vocational  
Schools.

**4.** Subject to the regulations or with the approval of the Minister, courses of instruction in the vocational schools provided for in this Part may include:

- (a) General full-time day school courses of instruction.
- (b) Special full-time day school courses of instruction.
- (c) Part-time day school courses of instruction.
- (d) Evening school courses of instruction.

1930, c. 64, s. 5.

Admission  
of pupils to  
vocational  
schools.

**5.—(1)** Pupils who may be duly admitted under the regulations to a day high school may be admitted to any of the vocational schools or departments provided for in this Part.

Certificate,  
when  
required.

**(2)** For admission to a general full-time day course of instruction in a commercial or a technical high school or department, applicants shall hold certificates qualifying them for admission to a day high school.

(3) Subject to the regulations and on the report of the principal approved by the advisory committee, pupils of at least the standing of the fourth form of the public and separate schools may be admitted to,—

Report of principal.

- (a) a general, special, or part-time course of instruction in an industrial, home-making, or art school or department;
- (b) a general, special, or part-time course of instruction in an agricultural high school or department;
- (c) a special or a part-time course of instruction in a commercial or technical high school or department.

(4) Workmen or workwomen employed during the day may be admitted to a vocational evening school or course subject to the regulations and on the report of the principal, approved by the advisory vocational committee, that they are competent to receive instruction therein.

Workmen and workwomen employed by day.

(5) Subject to the regulations, pupils of thirteen years of age and over, who have been in attendance in auxiliary training classes, or who are eligible for admission to such classes, may, with the approval of the Minister and upon an examination conducted subject to his direction, be admitted to special industrial classes established by a board for the purpose of giving vocational instruction to such pupils where it is found that they may be benefited by it.

Admission of pupils from auxiliary training classes.

(6) With the approval of the Minister, the board may arrange for the instruction in any school controlled by a high school board, continuation school board or board of education in Ontario, of pupils who desire to take courses which are not provided by the board, and who are the children of ratepayers in the school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses.

Outside students.

(7) No fees shall be payable by pupils who, under the provisions of this Act, have a right to attend a vocational school for instruction in the following courses of study:—

Fees.

- (a) General or special full-time day school courses;
- (b) Part-time special courses for apprentices and employed adolescents. 1930, c. 64, s. 6.

(8) Notwithstanding the provisions of subsection 7, no pupil who having completed the fourth form course in a public or separate school has attended any other school or schools for six years shall after the expiration of such six years be entitled to attend a vocational school except upon

When fees payable.

payment of such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in such vocational school. 1933, c. 58, s. 36.

Appoint-  
ment and  
jurisdic-  
tion of  
committee.

**6.** Where, in accordance with the regulations, one or more schools or departments to which this Part applies, are established by a board, the said schools or departments shall be under the management and control of an advisory vocational committee appointed by the board. 1930, c. 64, s. 7, *amended*.

Advisory  
vocational  
committee,  
how com-  
posed.

**7.** The advisory vocational committee provided for in section 6 shall be composed of eight or twelve persons, as the board may direct, the members of which shall be appointed by the board as follows:

(1) When the number of persons is eight:

- (a) The chairman and three other members of the board, including the representative, if any, appointed by the board of public school trustees, the representative appointed by the board of separate school trustees, and one of the representatives, if any, appointed by the county council, and where a board of education is established, the chairman and three other members of the board, one of whom shall be the representative, if any, appointed by the separate school board, and another of whom shall be one of the representatives, if any, appointed by the county council;
- (b) Two persons, not members of the board, who are engaged as employees in the manufacturing, agricultural, commercial, or other industries carried on in the local municipality or in the county or district in which the school is situate; and
- (c) Two other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial, or other industries carried on in the local municipality or in the county or district in which the school is situate. 1930, c. 64, s. 8, par. (1); 1933, c. 58, s. 37 (1).

(2) When the number of persons is twelve:

- (a) The chairman and five other members of the board, including the representative, if any, appointed by the board of public school trustees, the representative appointed by the board of separate school trustees and one of the representatives, if any, appointed by the county council, and where a board of education is established, the chairman and five other members of



the board, one of whom shall be the representative, if any, appointed by the separate school board and another of whom shall be one of the representatives, if any, appointed by the county council;

- (b) Three persons, not members of the board, who are engaged as employees in the manufacturing, agricultural, commercial, or other industries carried on in the local municipality or in the county or district in which the school is situate; and
- (c) Three other persons not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial, or other industries carried on in the local municipality or in the county or district in which the school is situate. 1930, c. 64, s. 8, par. (2); 1933, c. 58, s. 37 (2).

**8.** Where a board of education has been established and the board of separate school trustees has not appointed a member of such board, the board of education shall appoint from among its members a representative or representatives to complete the number of representatives of the board on the advisory committee constituted under section 7 and the member so elected shall hold office until the expiry of the period for which he was elected or appointed to the board of education. 1930, c. 64, s. 9.

Case where separate school not represented on board of education.

**9.—(1)** The first members of the advisory committee shall be appointed at the meeting of the board at which a school or department is established for which the advisory committee is to be appointed under this Part.

Appointment of members of committee.

(2) The members appointed under clause *a* of subsection 1 or in subsection 2 of section 7 shall hold office until the expiry of the period for which they were elected or appointed to the board.

Tenure of office of members who are members of board.

(3) The term for which the other members of the committee shall respectively hold office shall be fixed by the board but shall not exceed three years.

Tenure of office of other members.

(4) The board, at its first meeting in each year after the establishment of the school or department, shall appoint a sufficient number of members from each class to fill the vacancies caused by the expiry of the term of office of members appointed from that class.

Filling vacancies caused by retirement.

(5) Every vacancy upon a committee occasioned by death, removal or other cause shall be filled by the appointment by the board of some person from the class in which the vacancy

Filling other vacancies.

occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat has become vacant.

**Quorum.**

(6) The presence of a majority of the members constituting a committee shall be a quorum at any meeting, and a vote of the majority of such quorum shall be necessary to bind a committee.

**Chairman voting.**

(7) On every question other than the election of a chairman the chairman or presiding officer of the committee may vote with the other members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived. 1930, c. 64, s. 10.

**Co-opted members.**

**10.**—(1) The advisory committee may, at a meeting which has been specially called for that purpose and of which notice has been given in writing to all the members, appoint such additional members, hereinafter called co-opted members, as it may deem advisable, and members of the board may be so appointed, but an equal number of the persons so appointed shall be chosen from each of the classes mentioned in clauses *b* and *c* of subsection 1 and in subsection 2 of section 7.

**Tenure of office.**

(2) The term for which co-opted members of the committee shall respectively hold office shall be fixed by the committee, but shall not exceed three years. 1930, c. 64, s. 11.

**Qualifications of members.**

**11.** The members of the advisory committee appointed under this Part, including co-opted members, shall be British subjects, and shall be persons who, in the judgment of the board, are specially competent to give advice and other assistance in the management of the school or department under the charge of the committee. 1930, c. 64, s. 12.

**Powers of committee subject to approval of Minister and board.**

**12.**—(1) Subject to the approval of the Minister and the board, the advisory committee shall have authority to provide a suitable site and building and suitable equipment or to arrange for conducting the school or department in a high, public, separate or continuation school building or other building in the municipality, and to prescribe courses of study and provide for examinations and diplomas. 1930, c. 64, s. 13 (1).

**Purchase of books and supplies by committee.**

(2) Subject to the approval of the board, the committee may purchase for the use of any or all pupils textbooks and other school supplies, and either furnish the same to them free of charge or collect for the use thereof from such pupils or their parents or guardians a sum not exceeding twenty-five cents per month for each pupil to defray the cost thereof. 1934, c. 52, s. 19.

(3) Subject to the approval of the board, the committee shall select teachers and determine a schedule of salaries, report on every school or department under its charge, fix the fees payable by pupils in attendance, submit annually to the board at such date as the board may prescribe an estimate of the amount required to carry on the work of the school or department during the year, and generally do all other things necessary for carrying out the objects and intent of this Part with respect to any school or department under its management and control. 1930, c. 64, s. 13 (2); 1936, c. 55, s. 52 (1).

Powers  
subject to  
approval  
of board.

(4) The board shall not refuse its approval of any report of the advisory committee without having given the committee an opportunity to be heard before the board and before any committee thereof to which such report may be referred by the chairman of the advisory committee or by another member of the advisory committee appointed for that purpose.

When  
approval  
withheld.

(5) The secretary and other officers of the board shall be the officers of the advisory committee. 1930, c. 64, s. 13 (3, 4).

Officers  
of the  
committee.

(6) Subject to the approval of the Minister and the board, the advisory committee may appoint one or more officers with qualifications approved by the Minister to bring to the attention of employers and employees the work of the schools or departments, and to make the necessary arrangements between employers, employees, and the schools or departments for the conduct of part-time or co-operative classes, and, in general, to act as a co-ordinating officer between the local industries and the schools or departments, and every such person so appointed shall be subject to the control of the advisory committee.

Appoint-  
ment of  
co-ordinat-  
ing officers.

(7) Subject to the approval of the Minister and the board, the advisory committee may appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils of the schools under the charge of the advisory committee as will enable them to plan intelligently for their vocational and educational advancement, and every person so appointed shall be subject to the control of the advisory committee. 1930, c. 64, s. 13 (5, 6); 1936, c. 55, s. 52 (2).

Appoint-  
ment of  
vocational  
guidance  
officers.

**13.**—(1) Subject to the regulations the estimates of the committee of the cost of establishing, equipping and maintaining the school or department under its management and control, when and so far as they have been approved by the board,

Cost of  
establish-  
ing, equip-  
ping and  
maintain-  
ing a school.

shall be included in the estimates of the board submitted to the council of the municipality for the year.

How  
provided.

(2) Subject to the regulations, the cost of establishing, equipping, furnishing, and maintaining, and of making additions, alterations or permanent improvements to every school established under section 3 or under *The Industrial Education Act*, being chapter 79 of the Acts passed in the 1st year of the reign of His late Majesty King George the Fifth, shall be provided for in the same manner as in the case of a high school. 1930, c. 64, s. 14 (1, 2).

Cost of  
education  
of county  
pupils.

(3) The cost of education of county pupils to be paid by the council of a county shall be calculated, ascertained and paid in the same manner, *mutatis mutandis*, as is provided in subsections 2, 3, 4, 5 and 6 of section 35 and section 36 of *The High Schools Act* and as part of the county rates shall be levied in the following manner,—

Rev. Stat.,  
c. 360.

(a) fifty per centum of the said cost by a levy upon and against the whole rateable property of the county according to the last revised equalized assessment of the municipalities forming part of the county;

(b) the remaining fifty per centum by a levy upon and against the whole rateable property of the municipalities or portions of municipalities in which county pupils or their parents or guardians reside in the proportion that the days' attendance for the preceding year of county pupils who reside or whose parents or guardians reside in each such municipality or portion of a municipality bears to the total days' attendance for such year of all county pupils the cost of whose education is to be borne by the council of the county.

County  
pupils  
attending  
vocational  
school in  
city or  
town.

(4) Where county pupils from a county are attending a vocational school in a city or town situated in such county but separated therefrom for municipal purposes, or are attending a vocational school in a municipality in an adjacent county whether separated therefrom or not, and such school has been declared open to such county pupils in the manner provided in *The High Schools Act*, the cost of education to be paid by the council of the county shall be calculated, ascertained, levied and paid in the manner provided in subsection 3. 1937, c. 68, s. 32.

Rev. Stat.,  
c. 360.

Provisions  
of Rev.  
Stat., cc.  
361, 360 to  
apply.

(5) Where not inconsistent with the provisions of this Act, *The Boards of Education Act* and *The High Schools Act* shall apply in all matters concerning the operation and management of a vocational school or department, the property in connection therewith, the employment and retirement of



teachers and other persons employed in such vocational schools or departments, and in any other matters whatsoever. 1936, c. 55, s. 53 (2).

**14.** Subject to the regulations the Minister shall apportion all sums of money appropriated by this Legislature for the establishment and maintenance of schools or departments to which this Part applies. 1930, c. 64, s. 15.

Apportionment of legislative grant.

**15.** The regulations may provide as to any class of schools or departments for the qualifications of teachers, the courses of study, the character of the site, accommodations, and equipment, the maximum and minimum fees that may be charged to pupils, and generally as to any matter relating to the conduct and efficiency of the schools and departments not herein expressly provided for. 1930, c. 64, s. 16.

Regulations.

**16.** Subject to the approval of the Minister, the advisory committee may also establish and conduct special evening courses in any centre in the county outside of the district over which it has jurisdiction. 1930, c. 64, s. 17.

Establishing evening courses in other centres.

## PART II.

### PROVINCIAL TECHNICAL SCHOOLS.

**17.** The Minister, with the approval of the Lieutenant-Governor in Council, may establish, maintain, conduct and control schools for technical training required in any branches of industry or may enter into an agreement with any organization in the interest of any branch of industry for that purpose. 1930, c. 64, s. 18.

Authority to establish schools.

**18.** The cost of establishing and maintaining a school established under this Part shall be borne and paid out of moneys appropriated by this Legislature or received from the Dominion Government for the purposes of technical education and out of any moneys contributed by any organization under an agreement made in pursuance of section 17 or under the regulations. 1930, c. 64, s. 19.

Cost, how borne.

**19.** Every school established under this Part shall be maintained and conducted by a board to be appointed or elected in the manner provided by the regulations, and such regulations may provide for the representation upon the board of any organization of employers or employees in the particular branch of industry for which the school is established. 1930, c. 64, s. 20.

Board.

Regula-  
tions.

**20.** The Minister, with the approval of the Lieutenant-Governor in Council, may make regulations for the establishment, organization, government, courses of study and examination of technical schools established under this Part, and generally the Minister and the Lieutenant-Governor in Council shall have and may exercise with respect to any such school the powers conferred by *The Department of Education Act* with respect to technical schools. 1930, c. 64, s. 21.

Rev. Stat.,  
c. 356.

### PART III.

#### JOINT VOCATIONAL SCHOOL BOARDS IN SPECIAL VOCATIONAL SCHOOL DISTRICTS.

Joint  
vocational  
school  
district,—  
establish-  
ment of.

**21.**—(1) The Minister, upon the application of the boards of two or more municipalities made with the approval of the councils of such municipalities, may establish and designate the municipalities as a vocational school district for the purposes of this Act.

Applica-  
tion,—by  
whom to be  
made.

(2) Where no board exists in a municipality, the application in respect of such municipality may be made by the board of public school trustees and the board of separate school trustees of the municipality, or if in such municipality there is only a board either of public school trustees or separate school trustees, the application may be made by such board.

Name of  
district.

(3) A vocational school district established under this section shall be known by such name as may be designated by the Minister. 1931, c. 71, s. 15, *part*.

Board of  
trustees,—  
appoint-  
ment of.

**22.**—(1) There shall be appointed for every vocational school district established under section 21 a joint board of trustees to be known as "The..... Vocational School Board," composed of three members from each of the municipalities within the vocational school district and appointed in the following manner:

- (a) In a municipality having a board, the three members shall be appointed by such board, two of the appointees to be members of the board;
- (b) In a municipality having no board but having a public school board and a separate school board, two members shall be appointed by the public school board, one of whom shall be a member of the said board, and one member by the separate school board who shall be a member of that board;

(c) In a municipality having no board and having a public school board only, three members shall be appointed by the said board two of whom shall be members of such board;

(d) Where a vocational school district is composed of municipalities, any one or more of which is not separated from the county, the county council shall appoint three members to the vocational school board.

(2) The third member to be appointed under clauses *a*, *b* and *c* and the three members to be appointed under clause *d* shall be British subjects, of the full age of twenty-one years, who are interested in the development of vocational education and are engaged in either the manufacturing, agricultural, commercial or other industries of the municipality which they represent. Qualification of members.

(3) All appointees under subsection 1 shall hold office for one year. 1931, c. 71, s. 15, *part*. Term of office.

**23.** The board so created shall have the powers of the boards of education, high school boards, continuation school boards and the public and separate school boards for the said vocational school district for the purposes of this Act, and shall be a corporation by the name of "The..... Vocational School Board." 1931, c. 71, s. 15, *part*. Powers of board.

**24.—**(1) The council of any municipality included within the district on the application of the board, may pass a by-law for borrowing money by the issue and sale of debentures for the purchase of a site and the erection of a school, and for the extensions, equipment, improvements, repairs or furnishings, and it shall not be necessary that the by-law shall be submitted to the electors for their assent, but if the council of any of the municipalities refuses to pass such by-law it shall if requested by the board, submit the same to a vote of the electors qualified to vote on money by-laws under *The Municipal Act*, and on the assent of such electors being obtained shall finally pass the by-law and issue such debentures if the other municipalities are likewise providing their share. By-laws passed by council on application of board.

(2) The debentures may be for such amount and run such number of years, not exceeding thirty, as the council may see fit. Rev. Stat., c. 266. Amount of debentures.

(3) The amounts to be raised respectively by the council of each municipality in the vocational school district for the said purposes shall be the proportion that the last revised assessment of such municipality, multiplied by the population, Amounts to be raised by council.

as determined by the last enumeration of the assessors, bears to the total assessment of the municipalities comprising the vocational school district, multiplied by the total population of such municipalities, as similarly determined. 1931, c. 71, s. 15, *part*.

Contributions by municipal councils to vocational schools.

**25.** The municipal councils comprising a vocational school district shall contribute to the maintenance of a vocational school erected under the provisions of section 24 in the same proportion as is provided in subsection 3 of the said section for the purposes enumerated in subsection 1 thereof, and each council forming part of a vocational school district upon the request of the vocational school board within such district shall levy and collect in each year within its municipality in the same manner as other municipal taxes, the amounts determined by the vocational school board as necessary for the said purpose. 1931, c. 71, s. 15, *part*.

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## CHAPTER 370.

## The School Sites Act.

**1.** In this Act,—Interpreta-  
tion.

- (a) "Board" shall mean and include board of public school trustees, board of separate school trustees, board of education, high school board and advisory committee appointed under *The Vocational Education Act*; **"Board."** Rev. Stat., c. 369.
- (b) "Judge" shall mean judge or junior or acting judge of the county or district court of the county or district in which lands to be acquired for a school site under this Act are situate; **"Judge."**
- (c) "Owner" shall include a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested; **"Owner."**
- (d) "School site" shall mean the land necessary for a school house, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices and playgrounds connected therewith, or other land required for school purposes or for the offices of a board. 1928, c. 54, s. 2. **"School site."**

**2.** A judge who is a member of a board shall not act in any matter under this Act in which the board is interested. 1928, c. 54, s. 3. **Judge not to act when member of board.**

**3.** The powers and duties conferred and imposed upon a board by this Act shall be subject to the regulations made under *The Department of Education Act*. 1928, c. 54, s. 4. **Powers and duties to be subject to regulation.** Rev. Stat., c. 356.

**4.—(1)** In a township a school site shall not be selected nor shall an existing school site be enlarged so as to include land which comprises or forms part of or is situate within one hundred yards of an orchard, garden, pleasure-ground or dwelling-house without the consent of the owner of such orchard, garden, pleasure-ground or dwelling-house unless the judge, upon the application of the board and after notice to all persons interested, certifies in writing that other land suitable for the required purpose cannot be obtained. **Restrictions as to selection in townships.** **Exception.**

Compensation to owner of orchard, etc.

(2) Where the judge so certifies, the board shall pay to the owner of the orchard, garden, pleasure-ground or dwelling-house such sum as the judge, on the application of the owner, shall determine to be a fair compensation for having the school site located within such distance and the costs of the application shall be in the discretion of the judge. 1928, c. 54, s. 5 (1, 2).

Application of section limited.

(3) This section shall not apply to that part of a township which lies within five miles from the limits of a city having a population of over 100,000. 1928, c. 54, s. 5 (3); 1930, c. 63, s. 31.

Board may purchase or expropriate.

Rev. Stat., c. 357.

5.—(1) Subject to the provisions of section 4 and to the provisions of *The Public Schools Act*, as to the selection of a site by the board of a rural school section, every board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the board declaring that the same is required for a school site or for the enlargement of a school site.

Acquiring land in township adjoining city.

(2) The board of education for a city may acquire by purchase or otherwise, or may expropriate land in a township for the purposes of a school site where such land adjoins a road forming a boundary road between the city and the township.

Land not to be exempt from taxation.

(3) Where a board of education expropriates land under the provisions of subsection 2, such land shall not be exempt from taxation by the township, but the corporation of the township and the board of education may agree upon a fixed annual sum to be paid as taxes upon the said land, or in case of disagreement, the amount shall be determined by the judge. 1928, c. 54, s. 6.

Acquiring land outside city for school sites.

Rev. Stat., c. 369.

6.—(1) The board of education of a city having a population of 50,000 or over or any advisory committee appointed by the board under *The Vocational Education Act*, may acquire by purchase or otherwise any land in an adjacent municipality which the board or such advisory committee deems it desirable to acquire, in view of the probable further extension of the limits of the city, so as to include such land, but no land shall be acquired under this section at a greater distance than one mile from the limits of the city, and all land so acquired, so long as it is held by the board or such advisory committee, shall be subject to municipal assessment and taxation in the municipality in which it is situate.

Expropriation not authorized.

(2) Nothing contained in subsection 1 shall be deemed to authorize the expropriation of land by the board or the advisory committee of such city in any other municipality.

(3) Where a board or an advisory committee has acquired land in any municipality under the provisions of subsection 1, and the same appears to the board or the advisory committee to have become undesirable for school purposes, the board or the advisory committee may sell, lease, or otherwise dispose of the same as it may deem expedient.

Power to dispose of sites so acquired.

(4) This section shall have effect and apply as to all lands so acquired by the board of education or the advisory committee of a city since the 1st day of January, 1910. 1928, c. 54, s. 7.

Section retroactive.

7. At any time after a board passes a resolution declaring that any land is required for a school site, or for the enlargement of a school site and that immediate possession thereof is required by it, the board, by leave of the judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the judge, to satisfy the compensation, may enter upon and take possession of the land, and if any resistance or forcible opposition is made to its so doing, the judge may issue his warrant to the sheriff of the county in which the land lies to put the board in possession, and to put down such resistance or opposition, which the sheriff taking with him sufficient assistance, shall accordingly do. 1928, c. 54, s. 8.

Order for immediate entry on land taken.

8.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator and every trustee (not only for and on behalf of himself, his heirs and successors, but also for and on behalf of those he or they may represent, whether married women, infants, unborn issue, mentally incompetent persons or mentally defective persons), or other person, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof or any interest therein to a board for a school site or for an enlargement of or addition to a school site, and any contract, agreement, sale, conveyance or assurance so made shall be valid and effectual to all intents and purposes.

Who may sell and convey to board.

(2) Where there is no person who under the provisions of subsection 1 may contract, sell or convey, the Supreme Court may on the application of the board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 and in any proceedings which may be taken under this Act, and may give proper direction concerning the disposition of the purchase money. 1928, c. 54, s. 9.

Where there is no person who can convey.

9.—(1) Where the owner and the board are unable to agree on the compensation to be paid to the owner, the amount to be paid shall be fixed and determined by the judge upon oral evi-

Determining amount of compensation—where no agreement.

dence at such time and place as he may upon notice to all concerned appoint.

Hearing.

(2) The hearing shall be conducted in the same manner as nearly as may be as in the case of a trial before the judge in an action in the county court and a subpoena may issue from the county court to command the attendance of witnesses.

Duties of  
sheriff and  
clerk.

(3) The sheriff and the clerk of the county court shall perform the same duties and shall be entitled to the same fees as in the case of a trial in the county court.

Appeal.

(4) An appeal shall lie from the decision of the judge to the Court of Appeal. 1928, c. 54, s. 10.

Interest  
payable to  
owner.

**10.** The judge shall determine what interest, if any, shall be paid to the owner. 1928, c. 54, s. 11.

Judge may  
order notice  
to be pub-  
lished and  
mailed.

**11.**—(1) On filing with the county judge the certificate of an Ontario land surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the judge, if satisfied by affidavit or other evidence, that diligent inquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district and may order that notice be also sent to any person by mail or served upon him in such manner as the judge may direct.

Contents  
of notice.

(2) The notice shall contain a short description of the land and a statement of the readiness of the board to pay the sum so certified, shall give the name of the judge who is to determine the compensation under this Act and shall state the time within which the offer is to be accepted, and such other particulars as the judge may direct.

Deter-  
mining com-  
pensation.

(3) If within the time stated the owner does not notify the board of his acceptance of the sum offered, the judge may proceed *ex parte* on oral evidence to determine the compensation to be paid. 1928, c. 54, s. 12.

Judge may  
determine  
claims of  
encum-  
brancer, etc.

**12.** The judge may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect to the land, provided that in such case the claimant or other person has first received ten clear days' notice of the intention to determine his claim or right. 1928, c. 54, s. 13.



**13.** Where part only of the lot or parcel of land of the owner is required, the judge shall include in the compensation the amount which will, in his opinion, compensate the owner for any damage directly resulting from severance. 1928, c. 54, s. 14.

Damages  
caused by  
severance.

**14.**—(1) A notice of intention to acquire land may be desisted from by the board at any time within twenty-one days after the amount has been determined by the judge by giving written notice to the owner and filing the same with the clerk of the county court, but the board shall in that case pay the whole cost of the proceedings and all damages sustained by the owner in consequence of the taking and abandonment and such costs shall be ascertained in a summary way by the judge.

Right of  
desistment.

(2) The right of desistment shall not be exercised more than once. 1928, c. 54, s. 15.

Not to be  
exercised  
more than  
once.

**15.** The costs of the proceedings shall be in the discretion of the judge, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and he may award any costs to be paid as between solicitor and client. 1928, c. 54, s. 16.

Cost of arbi-  
tration.

**16.** If the amount determined by the judge and any costs awarded have been paid in the manner and to the person directed by the judge, he may make a vesting order vesting the land taken in the board and such order may be registered and shall confer upon the board a good title to the land taken. 1928, c. 54, s. 17.

Vesting  
order.

**17.**—(1) Every sum to be paid as compensation shall be paid within thirty days after the determination of the amount to be paid.

Compensa-  
tion to be  
paid within  
thirty days.

(2) Where the person entitled thereto is absent or where for any other reason payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the board deems it advisable, the board may pay the sum awarded or any part thereof into the Supreme Court with six months' interest thereon. 1928, c. 54, s. 18.

Payment  
into court.

**18.** The compensation for any land which is taken without the consent of the owner shall stand in the stead of the land, and any claim to or incumbrance upon such land, or any part thereof, shall, as against the board, be converted into a claim to the compensation or to a like proportion thereof and it shall

Compensa-  
tion award-  
ed to stand  
in the stead  
of land  
taken.

be responsible accordingly, whenever it has paid the compensation, or any part thereof, to a person not entitled to receive the same, saving always its recourse against such person. 1928, c. 54, s. 19.

Compensation to be determined by official arbitrator.

Rev. Stat., c. 280.

**19.** In the case of a municipality for which an official arbitrator has been appointed under *The Municipal Arbitrations Act*, the compensation to be paid to the owner shall be determined by the award of the official arbitrator instead of by the judge as hereinbefore provided, and the provisions of that Act shall *mutatis mutandis* apply. 1928, c. 54, s. 20.

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## CHAPTER 371.

## The School Trust Conveyances Act.

**1.** Where persons, residing in Ontario, interested in any school established in any city, town, village or township therein whether as parents of children frequenting such schools, or as contributors to the same, or both, have occasion, or are desirous to take a conveyance of real property for the use of such schools, such persons may elect from among themselves, and appoint not less than five nor more than seven trustees, to whom and to whose successors, to be appointed in the manner specified in the deed of conveyance, the real property requisite for such school may be conveyed. R.S.O. 1927, c. 336, s. 1.

Conveyance  
of property  
for school  
sites to  
trustees.

**2.**—(1) The trustees so appointed and their successors in perpetual succession, by the name expressed in the deed, may take, hold and possess the real property so conveyed, and bring and maintain any action for the protection thereof, and of their right thereto, but there shall not be so held in trust more than ten acres of land at any time for any one school.

Powers of  
trustees to  
hold.

(2) This section shall not extend to public schools. R.S.O. 1927, c. 336, s. 2.

Application  
of section.

**3.** The trustees shall, within twelve months after the execution of any such deed, cause the same to be registered in the registry office of the registry division in which the land lies. R.S.O. 1927, c. 336, s. 3.

Registra-  
tion of deed.

## CHAPTER 372.

## The University Act.

## INTERPRETATION AND GENERAL PROVISIONS.

Interpreta-  
tion.**1.** In this Act,—“Appointed  
members.”

- (a) “Appointed members” shall mean the members of the Board appointed by the Lieutenant-Governor in Council;

“Board.”

- (b) “Board” shall mean Governors of the University of Toronto;

“College.”

- (c) “College” shall include a school or other institution of learning;

“Head.”

- (d) “Head,” when it refers to the head of a federated university or of a federated college, shall mean the person who is or is certified by the governing body of such university or college to be the head thereof;

“Property.”

- (e) “Property” shall include real property and all other property of every nature and kind;

“Real  
property.”

- (f) “Real property” shall include messuages, lands, tenements and hereditaments whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;

“Teaching  
staff.”

- (g) “Teaching staff” shall include professors, associate professors, lecturers, instructors, demonstrators and all others engaged in the work of teaching or giving instruction;

“Trinity  
College.”

- (h) “Trinity College” shall mean Trinity College as established and incorporated by the Act passed in the 14th and 15th years of the reign of Her late Majesty Queen Victoria, chaptered 32, and as constituted a University by Royal Charter bearing date the 16th day of July, 1853;

“Univer-  
sity.”

- (i) “University” shall mean University of Toronto. R.S.O. 1927, c. 337, s. 1.

University,  
University  
College,  
Faculties,  
etc., con-  
tinued.

- 2.** The provincial university, known as the University of Toronto, the provincial college, known as University College, the Senate, Convocation, the several faculties of the University



and the Faculty of University College, are and each of them is hereby continued, and, subject to the provisions of this Act, shall respectively have, hold, possess and enjoy all the property, rights, powers and privileges which they respectively now have, hold, possess or enjoy. R.S.O. 1927, c. 337, s. 2.

**3.** All appointments in and statutes and regulations affecting the University and University College and each of them shall continue, subject to the provisions of this Act, and subject also, as to the teaching staff and all officers, servants and employees, to their removal by the Board. R.S.O. 1927, c. 337, s. 3.

Appoint-  
ments,  
statutes and  
regulations,  
continued.

**4.—(1)** If and when a proclamation to that effect is issued by the Lieutenant-Governor in Council, the name of the University shall be changed to and the University shall be known as "The University of Ontario" from and after such date as shall be named in the proclamation for the change taking effect.

Proclama-  
tion chang-  
ing name of  
University.

**(2)** The proclamation shall not be issued unless and until a statute of the Senate approving of the change has been passed by the vote of at least three-fourths of the members thereof present at a meeting called for the purpose of considering the question of making such change and unless and until the change has been sanctioned by the Board. R.S.O. 1927, c. 337, s. 4.

When pro-  
clamation  
may be  
issued.

**5.—(1)** Whenever in any Act or document reference is made to the School of Practical Science, the same shall apply and extend to the Faculty of Applied Science and Engineering.

School of  
Practical  
Science  
to mean  
Faculty  
of Applied  
Science, etc.

**(2)** All money expended by the Board in the maintenance of the faculty shall for the purposes and within the meaning of the agreement bearing date the 2nd day of March, 1889, between Her late Majesty Queen Victoria, and the Corporation of the City of Toronto, be deemed to be money expended by "Her Majesty and Her Successors acting by and through the Executive Council of the Province of Ontario." R.S.O. 1927, c. 337, s. 5.

Money ex-  
pended by  
Board in  
mainten-  
ance of such  
faculty.

#### FEDERATED AND AFFILIATED INSTITUTIONS.

**6.—(1)** Every university and every college federated with the University and every college affiliated with the University shall continue to be so federated or affiliated, subject to any statute in that behalf and to this Act.

Universi-  
ties and  
colleges,  
federated or  
affiliated.

Colleges affiliated with federated University.

(2) A college affiliated with a federated university at the time of its federation with the University, whether heretofore or hereafter entered into, shall be deemed to be affiliated with the University.

Victoria and Trinity.

(3) The following are declared to be the universities federated with the University, that is to say, Victoria University and Trinity College.

Knox, Wycliffe and St. Michael's.

(4) The following are declared to be the colleges federated with the University, that is to say, Knox College, Wycliffe College and St. Michael's College.

Affiliated colleges.

(5) The following are declared to be the colleges affiliated with the University, that is to say—Albert College, the Ontario Agricultural College, The Royal College of Dental Surgeons, The Ontario College of Pharmacy, The Columbian Methodist College, The Ontario Veterinary College and The Ontario College of Art; The Ontario Ladies College and Alma College which are affiliated with the University by reason of their having been affiliated with Victoria University when that University became federated with the University, and St. Hilda's College, which is affiliated with the University by reason of its having been affiliated with Trinity College when Trinity College became federated with the University.

Affiliated colleges, when to be represented in Senate.

(6) A college affiliated with the University since the 15th day of April, 1901, or hereafter affiliated with it shall not be entitled to representation on the Senate unless so declared by statute.

Removal of college from federation or affiliation.

(7) The Senate may remove from federation or affiliation with the University any college, now or hereafter federated or affiliated with it, which becomes an integral part of or federates or affiliates with any other university which has and exercises the powers of conferring any degrees other than those in theology.

Colleges affiliated with federated university to cease to be affiliated with University on dissolution of federation.

(8) If and when any university now or hereafter federated with the University ceases to be federated with it, every college which is affiliated with the University by reason only of its having been affiliated with such federated university shall thereupon and thereafter cease to be affiliated with the University, but shall retain the same relation with the federated university with which it was affiliated as existed when such federated university became federated with the University.

Arts faculties of Victoria, Trinity and St. Michael's.

(9) The arts faculties of Victoria University, Trinity College and St. Michael's College in their relation to the University shall be known as and may be called colleges of the University bearing respectively as such colleges the names Victoria Col-

lege, Trinity College and St. Michael's College. R.S.O. 1927, c. 337, s. 6.

7.—(1) When any university in Ontario determines to surrender its degree-conferring powers, except the power of conferring degrees in theology, and notifies the Board of such determination, the Board may by statute declare such university to be federated with the University on and from a day to be named in the statute, and thereupon and thereafter the power of such federated university to confer degrees, except theology, shall be suspended.

Admission  
of Uni-  
versities to  
federation.

(2) Every such statute shall be published forthwith after the passing thereof in the *Ontario Gazette*.

Publication  
of statute.

(3) The power and authority of conferring degrees, except in theology, of any university now or hereafter federated with the University shall be suspended and in abeyance, but may be resumed by such federated university if three years have elapsed from the date when its federation with the University took effect, and if after the lapse of such three years one year's notice in writing of its intention to resume its degree-conferring powers has been given to the Board, and such federated university shall cease to be federated with the University at and after the expiry of the last mentioned period.

Suspension  
of degree-  
conferring  
powers  
during  
federation.

Proviso.

(4) Notice that any such federated university has ceased to be federated with the University and the date when it ceased to be so federated shall be published in the *Ontario Gazette*.

Notice of  
dissolution  
of federa-  
tion.

(5) The graduates and undergraduates in arts, science and law of a federated university and such graduates and undergraduates thereof in medicine as have passed their examinations in Ontario, so long as such federation continues, shall have and enjoy the same degrees, honours and status in the University as they held and enjoyed in the federated university. R.S.O. 1927, c. 337, s. 7.

Rights of  
graduates  
and under-  
graduates of  
federated  
university.

8.—(1) No religious test shall be required of any professor, lecturer, teacher, officer or servant of the University or of University College, or of any student thereof or therein, nor shall religious observances according to the forms of any religious denomination or sect be imposed on them or any of them, but the Board may make regulations touching the moral conduct of the students thereof and therein and their attendance on public worship in their respective churches or other places of religious worship and their religious instruction by their respective ministers, according to their respective forms

Religious  
tests, etc.,  
not re-  
quired.

Moral and  
religious  
training.

of religious faith, and every requisite facility shall be afforded for such purposes, but attendance on such forms of religious observances shall not be compulsory on any student attending the University or University College.

Right of  
federated  
universities  
and colleges  
as to  
religion.

(2) Nothing in this section shall interfere with the right of a federated university or college to make such provision in regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as a part of its own discipline. R.S.O. 1927, c. 337, s. 8.

#### PROPERTY.

Accounts of  
proceeds of  
sales of  
lands set  
apart for  
University  
and  
University  
College.

9.—(1) Separate accounts of the proceeds of the sales of the lands set apart for the use of the University and University College or either of them by the Act passed in the 60th year of the reign of Her late Majesty Queen Victoria, chaptered 59, and by the Act passed in the third year of the reign of His late Majesty King Edward the Seventh, chaptered 36, as amended by the Act passed in the 5th year of the same reign, chaptered 36, and by the Act passed in the last mentioned year chaptered 37, shall continue to be kept by the proper officers and departments and yearly accounts thereof to be furnished to the Board, as provided in those Acts, and all money derived from such sales shall be paid to the Board free from all charges or deductions for management or otherwise.

Rights of  
University  
as to such  
lands pre-  
served.

(2) The repeal of the Acts and parts of Acts mentioned in subsection 1 shall not affect or impair the right of the University and University College or either of them to have the lands mentioned therein set apart in accordance with and subject to the provisions thereof.

Annual  
grant of  
\$7,000 con-  
tinued.

(3) The annual grant of \$7,000, provided for by the first mentioned Act, shall continue to be paid to the Board as provided therein, and the same shall form a charge upon and be paid from time to time out of the Consolidated Revenue Fund. R.S.O. 1927, c. 337, s. 9.

Property  
vested in  
trustees  
transferred  
to Board.

10. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University and University College or either of them or of any faculty or department thereof or otherwise in connection therewith, subject always to the trust affecting the same, shall be vested in the Board. R.S.O. 1927, c. 337, s. 10.

Queen's  
Park.

11. The land demised to the Corporation of the City of Toronto for the purpose of a park under the authority of



section 66 of chapter 62 of the Consolidated Statutes of Upper Canada shall, so long as the lease remains in force, form part of the City of Toronto and the residue of the land adjacent to the park which is vested in the Board shall be subject to the police regulations of the corporation and the council thereof and except as herein otherwise provided to the by-laws thereof. R.S.O. 1927, c. 337, s. 11.

**12.** All real property vested in the Board shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. R.S.O. 1927, c. 337, s. 12.

Application of statute of limitations as to property.

**13.** The dedication heretofore by the Crown for any purpose of any real property held for the purposes of the University and University College or either of them has not taken away from such real property any rights or privileges which it enjoyed as Crown lands or prejudicially affected the same, but all such rights and privileges remain in full force and effect. R.S.O. 1927, c. 337, s. 13.

Former dedication to University not to affect status of lands as Crown lands.

**14.**—(1) The real property vested in the Board shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Land vested in Board not liable to expropriation.

(2) Subsection 1 shall apply to real property owned by or vested in any university or college federated with the University. R.S.O. 1927, c. 337, s. 14.

Nor land vested in the other bodies.

**15.**—(1) The property real and personal vested in the Board shall not be liable to taxation for provincial, municipal or school purposes, and shall be exempt from every description of taxation; but except as mentioned in subsection 2 the interest of every lessee and occupant of real property vested in the Board shall be liable to taxation.

Exemption of property from taxation.

Lessees, etc., liable.

(2) The liability to taxation of the interest of a lessee or occupant mentioned in this section shall not extend to the interest of a lessee or occupant being a member of the teaching staff or an officer or servant of the University or of University College who, or being an association of undergraduates or an incorporated society of undergraduates or of graduates and undergraduates which, is the lessee or occupant of any part of the University Park,

Lessees or occupants of certain land exempted.

composed of the north halves of park lots numbers eleven, twelve and thirteen in the first concession from the Bay, in the Township of York, now in the City of Toronto, and including that part of park lot number fourteen in the first concession, described in a conveyance to Her late Majesty Queen Victoria, registered as number 8654R in the registry office for the registry division of the City of Toronto, but the interest of every such lessee or occupant shall be exempt from taxation.

Certain land  
of federated  
bodies also  
exempt.

(3) Those parts of the lots mentioned in subsection 2 which are now or hereafter may be owned, leased or occupied by any federated university or federated college for the purposes of such university or college shall also be exempt from taxation in the same way and to the same extent as the real property vested in the Board is by subsection 1 exempted from taxation. R.S.O. 1927, c. 337, s. 15.

Endowment  
of chairs or  
scholar-  
ships.

**16.** Any person with the approval of the Board may, under and subject to such terms and conditions as he may prescribe, endow a chair or found a scholarship in the University or University College, or aid the University and University College and each of them by providing an endowment for any other purpose or object in connection therewith. R.S.O. 1927, c. 337, s. 16.

#### BOARD OF GOVERNORS.

Board of  
Governors.

**17.** The Board of Governors of the University and University College is continued as a body corporate by the name and style of "The Governors of the University of Toronto," and shall have in addition to the rights, powers and privileges mentioned in section 28 of *The Interpretation Act*, the power to take and hold real property for the purposes of the University and of University College without license in mortmain. R.S.O. 1927, c. 337, s. 17.

Rev. Stat.,  
c. 1.

Composi-  
tion of  
Board.

**18.—(1)** The board shall consist of the Chancellor and the President of the University, who shall be *ex officio* members, and twenty-two persons appointed by the Lieutenant-Governor in Council.

Nomination  
of certain  
members of  
Board of  
Governors  
by Alumni.

(2) The Alumni Federation of the University of Toronto may nominate eight of the twenty-two persons so to be appointed by the Lieutenant-Governor in Council and such nomination shall be by general vote of the members of the Alumni Federation of the University of Toronto who are graduates of the University, and such vote shall be taken by closed voting papers mailed or delivered by the members to

the secretary-treasurer of the said Federation at such time and subject to such regulations as may be made by the Alumni Council of the said Federation with the approval of the Lieutenant-Governor in Council.

(3) Vacancies hereafter occurring by the expiry of the term of office or by death or resignation or from any other cause among the appointed members may be filled from among the persons so nominated until eight such persons have been appointed, and in the case of vacancies caused by death or resignation or from any cause other than the expiry of the term of office the member appointed shall hold office for the remainder of the term for which the member whose place is to be filled was appointed.

Nominees to be appointed as vacancies arise.

(4) The persons declared to be ineligible for appointment as members of the Board shall not be eligible for nomination by the Alumni Federation of the University of Toronto. R.S.O. 1927, c. 337, s. 18.

Who ineligible for nomination.

**19.** No person shall be eligible for appointment as a member of the Board unless he is a British subject, and a resident of Ontario. R.S.O. 1927, c. 337, s. 19.

Disqualifications.

**20.** One of the members of the Board shall be appointed by the Lieutenant-Governor in Council to be its chairman. R.S.O. 1927, c. 337, s. 20.

Chairman.

**21.—**(1) The Board may appoint one of its members to be vice-chairman, and in case of the absence or illness of the chairman, or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.

Appointment of vice-chairman.

(2) In case of the absence or illness of the chairman, and the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman.

Chairman *pro tempore*.

(3) All acts which lawfully might have been done by the chairman, when done by the acting vice-chairman, or by a chairman *pro tempore* shall be conclusively deemed to have been lawfully done, and it shall not be necessary to prove that any of the causes mentioned in subsection 1 for the vice-chairman acting, or that any of the causes mentioned in subsection 2 for the appointment of a chairman *pro tempore* in fact existed. R.S.O. 1927, c. 337, s. 21.

Validity of their acts.

Quorum.

**22.** Unless and until otherwise provided by the Board, seven members shall constitute a quorum. R.S.O. 1927, c. 337, s. 22.

Ten members may exercise powers.

**23.** Notwithstanding any vacancy in the Board, as long as there are at least ten members it shall be competent for the Board to exercise all or any of its powers. R.S.O. 1927, c. 337, s. 23.

Term of office.

**24.** The appointed members of the Board shall hold office for six years, and until their successors are appointed. R.S.O. 1927, c. 337, s. 24.

Members may be re-appointed.

**25.** An appointed member of the Board shall be eligible for re-appointment. R.S.O. 1927, c. 337, s. 25.

Removal from office.

**26.** An appointed member of the Board may be removed by the Lieutenant-Governor in Council. R.S.O. 1927, c. 337, s. 26.

Heads of federated universities, etc., ineligible.

**27.**—(1) The head of University College, the head of a federated university, or of a federated or an affiliated college, a member of the teaching staff of the University, of University College, of a federated university, or of a federated or affiliated college, shall not be eligible to be appointed as a member of the Board.

Vacancies.

(2) If a member of the Board, after his appointment, accepts or occupies any of such offices or positions, or goes to reside out of Ontario, or becomes mentally ill or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy entered upon the minutes of the Board shall be conclusive evidence thereof. R.S.O. 1927, c. 337, s. 27.

Filling vacancies.

**28.** Where a vacancy on the Board happens before the term of office for which a member has been appointed has expired, the vacancy shall be filled by the appointment by the Lieutenant-Governor in Council of a successor, who shall hold office for the remainder of the term. R.S.O. 1927, c. 337, s. 28.

Government, etc., of University vested in Board.

**29.** The government, conduct, management and control of the University and of University College, and of the property, revenues, business and affairs thereof, shall be vested in the Board. R.S.O. 1927, c. 337, s. 29.



**30.**—(1) In order to enable the Board to provide for the purchase of such land, and the erection of such buildings as from time to time may be necessary for the purposes of the University and University College, including additions to, improvements of, and equipment for buildings now or hereafter erected, the Board may from time to time borrow such sums, not exceeding in the whole \$4,000,000, as may be necessary for such purposes, and may make and execute such instruments as may be deemed requisite for securing payment of the sums so borrowed, and the interest thereon. R.S.O. 1927, c. 337, s. 30 (1); 1930, c. 63, s. 29.

Borrowing  
powers of  
Board.

(2) The sums so borrowed and the interest thereon shall stand and be charged upon all the property vested in, and the revenues and income of the Board, and it shall not be necessary that any formal instrument declaring such charge shall be executed or registered.

Money  
borrowed to  
be charge on  
property.

(3) The power of borrowing hereby conferred shall not be exercised unless with the approval of the Lieutenant-Governor in Council, who may prescribe the terms and conditions on which from time to time the power shall be exercised and the money borrowed, and the nature of the securities to be given by the Board for the repayment of the money borrowed and of the interest thereon, which may be bonds, debentures, terminable annuities or such other form of security as the Lieutenant-Governor in Council may direct or authorize. R.S.O. 1927, c. 337, s. 30 (2, 3).

Approval of  
Lieutenant-  
Governor in  
Council.

(4) The power of borrowing hereby conferred shall be a continuing one, and shall include the power of reborrowing, but the amount of the principal money at any time owing shall not exceed in the whole \$4,000,000. R.S.O. 1927, c. 337, s. 30 (4); 1930, c. 63, s. 30.

Borrowing  
powers exer-  
cisable from  
time to time.

(5) The Lieutenant-Governor in Council for and in the name of the Province of Ontario may guarantee the securities for all sums borrowed by the Board under the authority of this section, and the performance of the stipulations on its part contained in such securities.

Lieutenant-  
Governor in  
Council may  
guarantee  
loans.

(6) The form and manner of the guaranty shall be determined by the Lieutenant-Governor in Council and the guaranty shall be signed by the Treasurer of Ontario or by such officer or person as shall be designated for that purpose by the Lieutenant-Governor in Council.

Form of  
guaranty.

(7) Every guaranty so signed shall be binding on the Province and the purchaser of any security so guaranteed shall not be bound to inquire into the authority of the officer

Binding  
effect on  
Province.

or person signing the guaranty. R.S.O. 1927, c. 337, s. 30 (5-7).

Powers of Board.

**31.** Without thereby limiting the general powers by this Act conferred upon or vested in the Board, it is declared that the Board shall have power to,—

Conduct of proceedings.

(a) make rules and regulations pertaining to the meetings of the Board and its transactions, for fixing the quorum of the Board, and for the appointment of such committees as it may deem necessary, and for conferring upon any of such committees power and authority to act for the Board in and in relation to such matters as the Board may deem it expedient to delegate to a committee with power to act for the Board;

Appointment of President, Deans, professors, etc.

(b) appoint the President of the University, the Principal of University College, the Deans of all the faculties, the Librarian, the Bursar, the Registrar of the University, the Registrar of University College, the professors, teachers and instructors of and in the University and in University College, and all such officers, clerks, employees and servants as the Board may deem necessary for the purposes of the University and University College or either of them, and fix their salaries or remuneration, and define their duties, except those of the Librarian, and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board; but no person shall be appointed as Principal of University College, or as a Dean of any faculty, or as a member of the teaching staff of the University or of any faculty thereof or of University College, unless he has been first nominated by the President of the University and no Dean of a faculty or member of the teaching staff of the University or of any faculty thereof, or of University College, shall be promoted, and no principal of University College or Dean of a faculty or member of such teaching staff shall be removed from office except upon the recommendation of the President of the University, but this provision shall not apply where there is a vacancy in the office of President;

Appointments to be approved by the President.

Removals.

Superannuation and retirement.

(c) make regulations respecting and provide for the retirement and superannuation of any of the persons mentioned in clause b, or the payment of a gratuity to any of them upon retirement, and provide that

any superannuation or retiring allowance or gratuity shall be paid out of a fund which may be created for that purpose either with the money of the Board or by contributions from such persons, or partly by both;

- (d) subject to the limitations imposed by any trust as **Investments.** to the same, invest all such money as shall come to the hands of the Board, and is not required to be expended for any purpose to which it lawfully may be applied, in such manner as to the Board may seem meet;
- (e) purchase, take and hold by gift or devise real property **Acquiring and holding real property.** for the purposes of the University and University College, or either of them, without license in mortmain, and every person shall have the unrestricted right to devise and bequeath property, real and personal, for the purposes of the University and University College, or either of them, to the Board, or otherwise for such purposes;
- (f) purchase and acquire all such property as the Board **Acquiring other property.** may deem necessary for the purposes of the University and University College, or either of them, and such power shall include that of purchasing the interest of a lessee in any real property vested in the Board which is under lease;
- (g) without the consent of the owner or of any person **Expropriation of lands.** interested therein enter upon, take, use and expropriate all such real property as the Board may deem necessary for the purposes of the University and University College, or either of them, or of any other university or college federated with the University at the cost and expense of such federated university or college, making due compensation for any such real property to the owners and occupiers thereof, and all persons having any interest therein, and the provisions of *The Municipal Act* as to taking **Rev. Stat., c. 266.** land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation, shall *mutatis mutandis* apply to the Board, and to the exercise by it of the powers conferred by this clause, and where any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the Bursar of the University, or at his office, as the case may be;

Acquiring  
and main-  
taining real  
property for  
athletic  
purposes.

- (*h*) acquire, hold, maintain and keep in proper order and condition such real property as the Board may deem necessary for the use of the students of the University and University College, and each of them, for athletic purposes, and erect and maintain such buildings and structures thereon as it may deem necessary;

Physical  
training.

- (*i*) make such regulations and provide such means for the physical examination, instruction and training of the students of the University and University College as to the Board may seem meet;

Selling and  
leasing  
lands.

- (*j*) sell any of the real property vested in the Board or lease the same for any period not exceeding twenty-one years to commence in possession, with such right of renewal and under and subject to such rents, covenants, agreements, and conditions as to the Board may seem meet;

Expenditure  
of funds in  
maintenance  
and im-  
provements.

- (*k*) lay out and expend such sums as the Board may deem necessary for the support and maintenance of the University and University College, and each of them and for the betterment of existing buildings, and the erection of such new buildings as the Board may deem necessary for the use or purposes of the University and University College, and of each of them, and for the furnishing and equipment of such existing and newly erected buildings;

Residences  
and dining  
halls, etc.

- (*l*) lay out and expend such sums as the Board may deem necessary for the erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students of the University and University College, and of each of them, whether such students are graduates or undergraduates, and acquire and take over from any corporation any rights and powers possessed by it in respect of University residences and any property vested in it, on such terms as may be agreed on between such corporation and the Board, and such corporation may enter into and carry out any agreement for such purposes, and upon the agreement being completed such corporation shall, if so provided by the terms of the agreement, be dissolved, and its rights, powers and property be vested in the Board;

Control of  
residences,  
etc.

- (*m*) make such rules and regulations as may to the Board seem meet for the management, government and control of such residences and dining halls;



- (n) establish such faculties, departments, chairs and courses of instruction in the University, and such departments, chairs and courses of instruction in University College in any subject except theology, as to the Board may seem meet; Establishing faculties, departments, etc.
- (o) provide for the federation with the University of any college established in Ontario for the promotion of art or science, or for instruction in law, medicine, engineering, agriculture or any other useful branch of learning, on such terms as to representation on the Senate and otherwise as to the Board may seem meet, and enter into any agreement which may be deemed necessary to effectuate such federation; Federation of colleges.
- (p) provide for the affiliation with the University of any college established in Canada for the promotion of art or science, or for instruction in law, medicine, engineering, agriculture, or any other useful branch of learning, on such terms as to representation on the Senate and otherwise as to the Board may seem meet, and enter into any agreement which may be deemed necessary to effectuate such affiliation; Affiliation of colleges.
- (q) provide for the dissolution of any such affiliation or of any existing affiliation or for the modification or alteration of the terms thereof; Dissolution of affiliation.
- (r) fix the fees to be paid for post-graduate instruction, and for instruction in the faculties of medicine and applied science and engineering, and in any other faculty hereafter established, the fees to be paid by regular and occasional students in the University and in University College for enrolment therein, the library fees, the laboratory fees, the gymnasium fees, the fees for physical examination and instruction, and the fees for examinations, degrees and certificates, and when a federated college by arrangement with the proper authorities teaches any part of the course in arts, make such a reduction in the fees, payable by the students so taught in such college as to the Board may seem reasonable; Fees.
- (s) enter into such arrangements with the governing body of any secondary or primary school as the Board may deem necessary for the purpose of or in connection with the academic work of the University or of any faculty or department thereof, and the governing body of any such school which is a collegiate institute, a high school, a technical school or public or Arrangements with secondary and primary schools.

separate school, may, with the approval of the Lieutenant-Governor in Council, make such arrangements with the Board;

Establish-  
ing, etc.,  
primary  
and  
secondary  
schools.

- (t) establish, erect, equip, maintain and conduct such primary and secondary schools as may be deemed requisite for the purpose of practice and observation or otherwise for or in connection with the Faculty of Education, and fix the fees to be paid for instruction in such schools;

Borrowing  
by Board  
from bank  
or lender.

- (u) borrow from time to time from any bank or lender on such terms as may be agreed on such sums of money as may be required for the purposes of the University and University College;

Limits of  
amount.

- (i) the total sum to be so borrowed and remaining unpaid at any one time shall not, without the approval of the Lieutenant-Governor in Council, exceed \$250,000;

Lender not  
required to  
inquire as to  
necessity  
for loan.

- (ii) a bank or lender shall not be bound to inquire as to the necessity for borrowing, but where any loan is made, it shall be deemed to have been lawfully made under the authority of this section.  
R.S.O. 1927, c. 337, s. 31.

**32.** The Board shall have, and shall as from the 15th day of June, 1906, be deemed to have had the power to,—

Power to  
acquire  
patents, etc.

- (i) purchase or otherwise acquire any invention or any interest therein, or any rights in respect thereof, or any secret or other information as to any invention, and apply for, purchase or otherwise acquire any patents, interests in patents, licenses and the like conferring any exclusive or non-exclusive or limited right to make or use or sell any invention or inventions, and use, exercise, develop, dispose of, assign or grant licenses in respect of or otherwise turn to account the property rights or information so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of any invention or any rights in respect thereof, or the owner of a patent of invention or of any rights thereunder may possess, exercise and enjoy;

Power to  
acquire  
trade marks.

- (ii) apply for, purchase or otherwise acquire any trade marks or trade names and the like or any interest therein and use, dispose of, assign or

otherwise turn to account the trade marks, trade names and interests so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a trade mark or trade name or the like may possess, exercise and enjoy;

- (iii) apply for, purchase or otherwise acquire any copyright or like right or any interest therein <sup>Power to acquire copyright.</sup> or right thereunder, and use, exercise, develop, dispose of, assign or grant licenses in respect of or otherwise turn to account any copyright or like right or any interest or right so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a copyright or like right or of any interest therein or right thereunder may possess, exercise and enjoy. R.S.O. 1927, c. 337, s. 32.

**33.** The Board may modify, alter and change the constitution of any body constituted or continued by this Act, except <sup>Alterations to constitution.</sup> the Senate, and create such new bodies as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act, and also confer upon the bodies constituted or continued by this Act, or any or either of them, and upon any new body hereafter constituted, such powers as the Board may seem meet, but nothing herein shall authorize any abridgement of the powers conferred upon the Senate by section 48. R.S.O. 1927, c. 337, s. 33.

**34.—**(1) The Board may make provision for enabling the <sup>Committee of students.</sup> students of the University, University College and the federated universities and federated colleges to appoint a representative committee of themselves to be chosen in such manner as shall be approved by the Board, which shall be the recognized official medium of communication on behalf of such students between them and the Board.

(2) The committee shall have the right to make communications through the President of the University to the Board <sup>Right to make communications.</sup> upon any subject in which they are or may deem themselves to be interested.

(3) Nothing herein shall take away or impair the right <sup>Saving individual rights.</sup> of any student of or in the University or University College to make complaint to the governing bodies thereof or to the Board in respect of any matter as to which he is or may deem himself to be entitled to complain; but every such complaint shall be transmitted through the President to the Board

or to the proper governing body, as the case may be, and in no other manner.

Saving  
control of  
federated  
bodies.

(4) Nothing in this section shall impair or affect the right of control which any federated university or college possesses over its students. R.S.O. 1927, c. 337, s. 34.

Endowment  
not to be  
impaired  
without  
consent of  
Government.

**35.**—(1) The Board shall not incur any liability or make any expenditure which has the effect of impairing the endowment of the University and University College, or any addition to such endowment hereafter made, unless an estimate therefor has been first made and approved by the Lieutenant-Governor in Council.

"Endow-  
ment,"  
meaning of.

(2) In this section "endowment" shall mean and include the real property vested in the Board, the proceeds of any part thereof sold, and the money invested in mortgages or other securities. R.S.O. 1927, c. 337, s. 35.

Restriction  
as to expen-  
diture.

**36.** The Board shall not incur any liability or make any expenditure for the purchase of land or the erection of buildings unless the same can be met and is provided for out of the income of the year, or is sanctioned by the Lieutenant-Governor in Council. R.S.O. 1927, c. 337, s. 36.

Action of  
Board by  
resolution  
or statute.

**37.** Save as in this Act otherwise expressly provided, the action of the Board in any matter with which it may deal shall be by resolution or by statute, as the Board may determine, but it shall not be essential to the validity of any such resolution or statute that it be under the corporate seal of the Board if it is authenticated in the manner prescribed by the Board. R.S.O. 1927, c. 337, s. 37.

Accounts of  
Board,  
audit of.

**38.**—(1) The accounts of the Board shall be audited at least once a year by the Provincial Auditor, or by some person appointed by the Lieutenant-Governor in Council for that purpose.

Annual  
report to  
Government.

(2) The Board shall make an annual report of its transactions to the Lieutenant-Governor in Council, in which shall be set forth in detail the receipts and expenditures for the year ended on the next preceding 30th day of June, and of the investments as they stood at the end of such year, and such other particulars as the Lieutenant-Governor in Council may from time to time require.

When report  
to be trans-  
mitted.

(3) The report shall be transmitted to the Provincial Secretary on or before the 1st day of December next after the close of the year for which it is made, and shall be laid



before the Assembly forthwith if the Assembly is then in session or if it is not then in session, within ten days after the commencement of the next session. R.S.O. 1927, c. 337, s. 38.

**39.** Without the written consent of the Attorney-General no action shall be brought against the Board or against any member of it on account of anything done or omitted by him in the execution of his office. R.S.O. 1927, c. 337, s. 39.

Consent of  
Attorney-  
General to  
actions  
against  
Board.

**40.** If any question arises as to the powers or duties of the Council of University College, of the council of any faculty, of the Caput, of the President, of the Principal of University College, or of any officer or servant of the University or of University College, the same shall be settled and determined by the Board, whose decision shall be final. R.S.O. 1927, c. 337, s. 40.

Powers of  
Board as to  
deciding  
questions as  
to powers  
and duties.

#### THE SENATE.

**41.** The Senate of the University shall be composed as follows,—

Senate, how  
composed.

(a) the Chancellor of the University, the Chairman of the Board, the President of the University, the Principal of University College, the President or other head of every federated university and federated college, the Deans of the faculties of the University, and all persons who at any time have occupied the office of Chancellor or Vice-Chancellor of the University or for the period of seven years have occupied the office of President of the University shall be *ex-officio* members;

Chancellor  
and heads of  
colleges, etc.

(b) the faculties shall be entitled to representation as follows,—

Representa-  
tion of  
faculties  
in senate.

(i) the Faculty of Arts of the University by the professors (not including associate or assistant professors) of the faculty, each of whom shall be a member of the Senate;

(ii) the Faculty of Medicine by five members thereof;

(iii) the Faculty of Applied Science and Engineering by five members thereof;

(iv) the Faculty of University College by three members thereof;

(v) the Faculty of Arts of Victoria University by three members thereof;

- (vi) the Faculty of Arts of Trinity College by three members thereof;
- (vii) the Faculty of Arts of St. Michael's College by three members thereof;
- (viii) the Faculty of Dentistry by four members thereof;
- (ix) the Faculty of Arts of every university and arts college hereafter federated with the University by three members thereof;

Number of members to be appointed by federated universities and colleges, law society, medical council, dental college and affiliated colleges.

- (c) one member shall be appointed by each federated university, two members shall be appointed by each federated college, except St. Michael's College which shall appoint one member, one member shall be appointed by the Law Society of Upper Canada, one member by the Ontario Medical Council, one member by the Royal College of Dental Surgeons, and subject to any statute, one member shall be appointed by the governing body of every affiliated college which now is or shall hereafter be entitled to appoint a representative;

Election of members by graduates.

- (d) twelve members shall be elected by the graduates in arts in the University, who at the time of graduation were enrolled in University College; five members shall be elected by the graduates in arts and science of Victoria University, and the graduates in arts of the University, who at the time of graduation were enrolled in Victoria College; five members shall be elected by the graduates in arts and science of Trinity College, and the graduates in arts of the University, who at the time of graduation were enrolled in Trinity College; five members shall be elected by the graduates in medicine; four members shall be elected by the graduates in applied science and engineering, and by such persons as hold the diploma of the School of Practical Science, or of the University; two members shall be elected by the graduates in law; two members shall be elected by the graduates in agriculture; and four members shall be elected by such persons as hold certificates as principals of collegiate institutes or high schools or assistants therein, and are actually engaged in teaching in a collegiate institute or a high school, and one member by such persons as hold certificates as principals of vocational schools or assistants therein and are actually engaged in teaching in a day vocational school; and Bachelors of Arts of

the University who have not been enrolled in University College, or in a federated university or arts college, and Masters of Arts and Doctors of Philosophy of the University, whose bachelor's degree was obtained in another university, shall be entitled to appoint one member for each one hundred of such graduates, but in no case shall the number of representatives exceed two;

Appoint-  
ment of  
members by  
graduates  
not enrolled  
in federated  
colleges.

- (e) a university hereafter federated with the University shall be entitled to be represented on the Senate in the proportion of one representative for every one hundred graduates in arts, and for any fraction of one hundred over one-half the federated university shall be entitled to one additional representative; but in no case shall the number of such representatives exceed five; and the provisions of this clause shall govern in respect of the representation of the graduates in arts of the University, who at the time of graduation were enrolled in St. Michael's College;
- (f) if and when any new faculty is established in the University, provision may be made by the Senate, subject to confirmation by the Board, for the representation on the Senate of the faculty and of the graduates in such faculty. R.S.O. 1927, c. 337, s. 41.

Universities  
hereafter  
federated,  
representa-  
tion of.

Faculties  
hereafter  
established.

**42.** Members of the teaching staff of the University, of University College, of the federated universities, and of the federated and affiliated colleges, shall not be eligible for election by any of the graduate bodies. R.S.O. 1927, c. 337, s. 42.

Members of  
teaching  
staffs not to  
be elected.

**43.** No person shall be eligible for election as Chancellor or for election or appointment as a member of the Senate unless he is a British subject and a resident of Ontario. R.S.O. 1927, c. 337, s. 43.

Chancellor.

**44.** The tenure of office of the elected and the appointed members of the Senate shall be for four years, and until their respective successors are elected or appointed. R.S.O. 1927, c. 337, s. 44.

Tenure of  
office of  
Senate.

**45.** If an elected or appointed member of the Senate resigns, goes to reside out of Ontario, becomes mentally ill or incapable of acting, or becomes a member of the teaching staff of any of the bodies mentioned in section 42 not being the body which he has been appointed to represent, his seat shall *ipso facto* become vacant, and a declaration of the existence of any

Vacancies  
in Senate.

vacancy entered upon the minutes of the Senate shall be conclusive evidence thereof. R.S.O. 1927, c. 337, s. 45.

Filling  
vacancies  
in Senate.

**46.** If a vacancy occurs from any cause it shall be filled, in the case of an appointed member, by the body possessing the power of appointment, and in the case of a member elected by the graduates or by any class of graduates or by the principals of collegiate institutes and high schools and assistants therein, by the Senate, and the person appointed to fill the vacancy shall hold office for the remainder of the term of office of the member whose seat has become vacant. R.S.O. 1927, c. 337, s. 46.

Disputes as  
to election  
or right  
to sit.

**47.** If any question arises touching the election of the Chancellor or of any elective member of the Senate or the right of any person to be or sit or act as Chancellor or as a member of the Senate, the same shall not be raised or determined in or by any action or proceeding in any court, but shall be determined by the Senate, whose decision shall be final. R.S.O. 1927, c. 337, s. 47.

Powers and  
duties of  
Senate.

**48.** In addition to such others as are expressly mentioned in this Act, the powers and duties of the Senate shall be to,—

Regulating  
proceedings.

(a) provide for the regulation and conduct of its proceedings, including the determining of the quorum necessary for the transaction of business;

Degrees.

(b) provide for the granting of and grant degrees, including honorary degrees and certificates of proficiency, except in theology;

Exhibitions,  
etc.

(c) provide for the establishment of exhibitions, scholarships and prizes;

Affiliation  
of colleges.

(d) provide for the affiliation with the University of any college established in Canada for the promotion of art or science, or for instruction in law, medicine, engineering, agriculture or any other useful branch of learning, and for the dissolution of such affiliation, or of any existing affiliation, or the modification or alteration of the terms thereof;

Cancelling  
or suspending  
degrees.

(e) provide for the cancellation, recall and suspension of the degree, whether heretofore or hereafter granted or conferred, of any graduate of the University heretofore or hereafter convicted in Ontario or elsewhere of an offence which, if committed in Canada, would be an indictable offence, or heretofore or hereafter guilty of any infamous or disgraceful conduct or of



conduct unbecoming a graduate of the University, and for erasing the name of such graduate from the roll or register of graduates and for requiring the surrender for cancellation of the diplomas, certificate or other instrument evidencing the right of such graduate to the degree of which he shall have been deprived under the authority of any such statute, and for providing the mode of inquiring into and determining as to the guilt of such graduate, and the procedure generally in respect of any such matter, and for the purpose of making such inquiry, the Senate and the committees thereof shall have all the powers which by *The Public Inquiries Act* may be conferred upon commissioners appointed under the provisions of that Act;

Rev. Stat.  
c. 19.

- (f) provide for the establishment of any faculty, department, chair or course of instruction in the University; Establishment of faculties, departments, etc.
- (g) provide for the establishment of any department, chair or course of instruction in University College in any subject except theology; Departments, etc., in University College.
- (h) appoint scrutineers for the counting of the votes for Chancellor and for elective members of the Senate; Scrutineers at elections.
- (i) consider and determine on the report of the respective faculty councils as to the courses of study in all the faculties; Considering reports of faculty councils.
- (j) consider and determine as to all courses of study to which clause *i* does not apply; Courses of study.
- (k) consider and determine on the report of the respective faculty councils as to the appointment of examiners, and the conduct and results of the examinations in all the faculties; Examiners and examinations.
- (l) provide for the appointment of the examiners for and for the conduct of all University examinations other than those in the faculties of the University and for determining the results of such examinations; University examiners and examinations.
- (m) hear and determine appeals from decisions of the faculty councils upon applications and memorials by students and others; Appeals from faculty councils.
- (n) consider all such matters as shall be reported to it by the Council of any faculty, and communicate its opinion or action thereon to the Council; Reports from faculty councils.
- (o) provide for the representation on the Senate of any faculty hereafter established in the University, and Representation of new faculties on Senate.

of the graduates in such faculty, if, in the opinion of the Senate, provision should be made for separate representation of such graduates;

- |                                 |  |
|---------------------------------|--|
| Calendars.                      | (p) provide for the preparation and publication of the calendars, which shall include those of University College and the federated universities, or such of them as desire that their calendars shall be inserted therein;      |
| Library and librarian.          | (q) make rules and regulations for the management and conduct of the library, and prescribe the duties of the Librarian;   |
| Changing composition of Senate. | (r) make such changes in the composition of the Senate as may be deemed expedient;   |
| Recommendations to Board.       | (s) make such recommendations to the Board as may be deemed proper for promoting the interests of the University and University College, or for carrying out the objects and provisions of this Act. R.S.O. 1927, c. 337, s. 48. |

Senate not to alter representation of federated universities.

**49.**—(1) Nothing in section 48 shall authorize the Senate to make any change in its composition which affects the rights of representation thereon of a federated university or the faculty of arts thereof, or of a federated college, or of the graduates of a federated university, unless the same is assented to by the federated university or college affected by the change.

Senate may change courses.

(2) Nothing in this Act shall prevent the Senate from taking the initiative in determining as to any course of study or any change therein, but before passing any statute providing therefor, the Senate shall refer to the appropriate faculty council the proposition under consideration for inquiry and report thereon. R.S.O. 1927, c. 337, s. 49.

Certain statutes of Senate to be approved by Board.

**50.** A certified copy of every statute or other enactment of the Senate providing for any of the matters or things mentioned in section 48 and therein lettered *c*, *d*, *e*, *f*, *g*, *i*, *j*, *o*, *q* and *r* shall within ten days after the passing thereof, be transmitted to the Board, and no such statute or enactment shall have force or effect until it has been approved by the Board. R.S.O. 1927, c. 337, s. 50.

#### CONVOCATION.

Convocation, how composed.

**51.** Convocation shall consist of all the graduates of the University and of the federated universities. R.S.O. 1927, c. 337, s. 51.

**52.** Convocation shall have power to,—

- (a) make regulations for governing its proceedings and the mode of conducting the same, and keeping records thereof; Powers of Convocation.  
Regulations as to proceedings.
- (b) appoint a clerk of Convocation, and prescribe his duties; Appointment and duties of clerk.
- (c) in case of the absence of the Chancellor, elect a presiding officer for any meeting thereof; Presiding officer.
- (d) consider all questions affecting the interests and well-being of the University, and make representations thereon to the Board or to the Senate; Representations to Board and Senate.
- (e) require a fee to be paid by the members as a condition of their being placed on the register of members, and provide that no member whose name does not appear in such register shall be entitled to take any part in the proceedings of Convocation; Fee of members.
- (f) appoint an executive committee and confer upon it such powers as may seem meet. R.S.O. 1927, c. 337, s. 52. Executive committee.

**53.** Convocation shall meet when convened by the Chancellor, and also at such times and places as may be fixed by Convocation by regulation, and in the absence of such regulation, as may be fixed by Convocation or by the executive committee thereof, and the Board shall provide a suitable place for its meetings. R.S.O. 1927, c. 337, s. 53. Meetings of Convocation.

**54.** Notice of all meetings shall be given in such manner as may be prescribed by Convocation by regulation, and in the absence of such regulation as may be directed by Convocation or by the executive committee. R.S.O. 1927, c. 337, s. 54. Notice of meetings.

**55.** A true copy of the minutes of the proceedings of every meeting of Convocation shall be transmitted without unnecessary delay to the Board and to the Senate. R.S.O. 1927, c. 337, s. 55. Transmission of minutes.

**56.** All questions shall be decided by the vote of the majority of the members present. R.S.O. 1927, c. 337, s. 56. Majority vote to decide.

**57.** The chairman or presiding officer shall be entitled to vote as a member of Convocation, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1927, c. 337, s. 57. Chairman may vote as member.

Quorum.

**58.** No question shall be decided at any meeting unless at least twenty-five members are present. R.S.O. 1927, c. 337, s. 58.

Special  
meetings—  
how called.

**59.**—(1) If at least twenty-five members by writing under their hands, setting forth the objects thereof, require the chairman to convene a special meeting of Convocation, the chairman shall call the same without unnecessary delay.

Special  
meetings to  
be confined  
to object.

(2) No matter shall be considered at any such meeting except that for the consideration of which the meeting shall have been called. R.S.O. 1927, c. 337, s. 59.

Chancellor.

**60.** There shall be a Chancellor of the University, who shall be elected by the graduates thereof and by such persons as hold the diploma of the School of Practical Science or of the University at the time and in the manner hereinafter mentioned. R.S.O. 1927, c. 337, s. 60.

Chancellor  
to be chair-  
man of  
Convoca-  
tion.

**61.** The Chancellor shall be the chairman of Convocation. R.S.O. 1927, c. 337, s. 61.

Degrees to  
be conferred  
by Chan-  
cancellor or  
President.

**62.** All degrees shall be conferred by the Chancellor, or, in case of his absence, or of there being a vacancy in the office, by the President, or, in case of the absence of both of them, or of both offices being vacant, by a member of a faculty of the University, appointed for the purpose by the Senate. R.S.O. 1927, c. 337, s. 62.

Term of  
office.

**63.** The Chancellor shall hold office for four years, and until his successor is chosen. R.S.O. 1927, c. 337, s. 63.

Vacancy in  
office of  
Chancellor.

**64.** If the Chancellor goes to reside out of Ontario or becomes mentally ill or otherwise incapable of acting, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy by the Senate entered upon its minutes shall be conclusive evidence thereof. R.S.O. 1927, c. 337, s. 64.

Filling  
vacancy.

**65.** In the case of a vacancy in the office of Chancellor before the term of office for which he was elected has expired, the vacancy shall be filled by the appointment by the Senate at a special meeting called for the purpose, of which at least thirty days' notice shall be given, of a successor who shall hold office for the remainder of the term for which the Chancellor was elected. R.S.O. 1927, c. 337, s. 65.



## FACULTY COUNCILS.

**66.**—(1) There shall be a faculty council to be known as Council of Faculty of Arts. “The Council of the Faculty of Arts,” which shall consist of the President of the University, the Principal of University College, the president or other head of every federated university or federated arts college, the Dean of the Faculty of Arts, the teaching staff in the Faculty of Arts of the University, the teaching staff of University College, the teaching staff in the Faculty of Arts of Victoria College, of Trinity College and of every other university or arts college hereafter federated with the University, one professor in the department of religious knowledge appointed by the theological faculty in each federated university now or hereafter federated, and one professor appointed by each of the federated colleges. Composition of Council.

(2) The lecturers and instructors whose appointments are temporary, shall not for the purpose of this section be deemed to be members of the teaching staff. Temporary members of staff excluded.

(3) The lecturers and instructors who are members of the Council shall act as assessors only, and shall not be entitled to vote. Assessors. R.S.O. 1927, c. 337, s. 66.

**67.**—(1) The powers and duties of the Council of the Faculty of Arts shall be to,— Powers and duties of Arts Council.

- (a) make rules and regulations for governing its proceedings, including the determining of the quorum necessary for the transaction of business; Regulating procedure.
- (b) subject to the provisions of this Act and to the approval of the Board make rules and regulations for the government, direction and management of the faculty and the affairs and business thereof; Management of the faculty.
- (c) fix and determine the courses of study in arts, subject to the approval of the Senate; Courses of study.
- (d) subject to the approval of and confirmation by the Senate, appoint the examiners for and conduct the examinations of the arts courses, and determine the results of such examinations; Examiners and examinations.
- (e) deal with and, subject to an appeal to the Senate, decide upon all applications and memorials by students or others in connection with the Faculty of Arts; Applications and memorials by students.
- (f) consider and report to the Senate upon such matters affecting the Faculty of Arts as to the Council may seem meet. Report to Senate.

"Faculty of Arts," meaning of.

(2) For the purposes of this section, "The Faculty of Arts" shall mean and include the teaching bodies and persons mentioned in section 66. R.S.O. 1927, c. 337, s. 67.

Other councils.

**68.** There shall also be a council for every other faculty of the University now or hereafter established, and a Council for University College. R.S.O. 1927, c. 337, s. 68.

Council of University College.

**69.** The Council of University College shall consist of the Principal and the teaching staff thereof and the councils of the other faculties shall consist of the respective teaching staffs thereof, except in the case of the Council of the Faculty of Education, which shall consist of the teaching staff thereof and the Superintendent of Education; but the Superintendent shall not vote on any question. R.S.O. 1927, c. 337, s. 69.

"Teaching staff," meaning of.

**70.** "Teaching staff" shall have the limited meaning given to it in the provisions of this Act relating to the Council of the Faculty of Arts, and the lecturers and instructors who are members of such Councils shall act as assessors only, and shall not be entitled to vote. R.S.O. 1927, c. 337, s. 70.

Powers and duties of councils other than of Arts.

**71.** The powers and duties of the faculty councils provided for by section 68 shall be to,—

Regulating procedure.

(a) make rules and regulations for governing their proceedings, including the determining of the quorum necessary for the transaction of business;

Rules and regulations.

(b) subject to the provisions of this Act, and to the approval of the Board, make rules and regulations for the government, direction and management of their respective faculties and the affairs and business thereof;

Courses of study.

(c) fix and determine the courses of study in their respective faculties, subject to the approval of the Senate;

Examiners and examinations.

(d) subject to the approval of and confirmation by the Senate, appoint the examiners for and conduct the examinations of the courses in their respective faculties, and determine the results of such examinations;

Applications and memorials by students.

(e) deal with and, subject to an appeal to the Senate, decide upon all applications and memorials by students and others in connection with their respective faculties;

Report to Senate.

(f) consider and report to the Senate upon such matters affecting their respective faculties as to the Councils may seem meet. R.S.O. 1927, c. 337, s. 71.

**72.** Except in the case of the Council of the Faculty of Arts, the Dean shall be chairman of the Council of the Faculty of which he is Dean. R.S.O. 1927, c. 337, s. 72.

Dean to be chairman of every faculty except Arts.

**73.** The powers and duties of the Council of University College shall be to,—

Council of University College, powers and duties.

(a) make rules and regulations for governing its proceedings, including the determining of the quorum necessary for the transaction of business;

Regulating procedure.

(b) subject to the provisions of this Act and to the approval of the Board, make rules and regulations for the government, direction and management of University College and the affairs and business thereof;

Management of University College.

(c) appoint the examiners for and conduct the examinations of University College;

Examiners and examinations.

(d) consider and report to the Board and to the Senate or to either of them upon such matters affecting University College as may seem meet. R.S.O. 1927, c. 337, s. 73.

Report to Board and Senate.

**74.** The Principal of University College shall be the chairman of the Council thereof. R.S.O. 1927, c. 337, s. 74.

Principal to be chairman of council.

**75.** The Librarian of the University shall be *ex officio* a member of all faculty councils and of the Council of University College. R.S.O. 1927, c. 337, s. 75.

Librarian to be *ex officio* member of councils.

#### CAPUT.

**76.** Unless and until otherwise provided by the Board, there shall be a Committee to be called the Caput, which shall be composed of the President of the University, who shall be the chairman, the Principal of University College, the heads of the federated universities, the heads of the federated colleges and the Deans of the faculties of the University, and the presence of at least five of the members shall be necessary to constitute a quorum for the transaction of business. R.S.O. 1927, c. 337, s. 76.

"Caput," how composed.

**77.** The powers and duties of the Caput shall be to,—

Powers and duties.

(a) fix and determine the time tables for the lectures and other instruction in the University which affect more than one faculty, or which affect University College, or a federated university or college;

Time tables for lectures, etc.

Authorizing  
lecturing  
and  
teaching.

(b) authorize such lecturing and teaching in the University by others than the duly appointed members of the teaching staff thereof, and prevent all lecturing and teaching not so authorized;

Disciplinary  
powers.

(c) exercise the powers as to discipline conferred upon it by sections 84 to 87;

Matters  
assigned  
to Caput by  
Board or  
Senate.

(d) generally, deal with all such matters as may be assigned to it by the Board or by the Senate, if in the latter case such matters fall within the powers conferred upon the Senate by this Act. R.S.O. 1927, c. 337, s. 77.

Rules or  
regulations  
to be  
approved  
by Board.

**78.** A copy of every general rule or regulation made by the Caput shall be transmitted to the Board, and no such general rule or regulation shall have any force or effect until it has been approved by the Board. R.S.O. 1927, c. 337, s. 78.

Caput may  
advise  
President.

**79.** The Caput may advise the President in all matters affecting the academic interest of the University, but the powers of the President shall not be subject to its control. R.S.O. 1927, c. 337, s. 79.

#### PRESIDENT, PRINCIPAL, REGISTRARS.

President  
of  
University.

**80.**—(1) There shall be a President of the University who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of the University, and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar of the University, and shall also have such other powers and perform such other duties as from time to time may be conferred upon or assigned to him by the Board.

To be a  
member of  
all faculty  
councils.

(2) He shall be a member of all faculty councils, and chairman of the Council of the Faculty of Arts.

Chairman of  
Senate.

(3) He shall be chairman of the Senate.

To confer  
degrees in  
absence of  
Chancellor.

(4) In the absence of the Chancellor, he shall confer all degrees.

To call  
meetings of  
Council of  
Faculty of  
Arts.

(5) He shall call meetings of the Council of the Faculty of Arts in accordance with the regulations of the Council, and also when requested to do so by at least five members thereof.

Suspending  
members  
of staff.

(6) He shall have power to suspend any member of the teaching staff of the University and University College and any officer and servant mentioned in subsection 1 and when he exercises that power he shall forthwith report his action to the Board, with a statement of his reasons therefor.



(7) He shall make recommendations to the Board as to all appointments to and all promotions in, and removals from the teaching staff of the University, and University College, including the Principal, and of the officers and servants mentioned in subsection 1. Recommendations to Board as to appointments, etc.

(8) He shall have the right to summon meetings of any faculty council, and of the Council of University College, whenever he may deem it necessary to do so, and to take the chair at any meeting thereof at which he may be present. Summoning meetings of faculty councils.

(9) He may also, at his discretion, convene joint meetings of all the faculty councils and the Council of University College or any two or more of them. Convening joint meetings of councils.

(10) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of the University and University College, and as to their progress and requirements, and make such recommendations thereon as he may deem necessary, and he shall also report upon any matter which may be referred to him by the Board or by the Senate. Annual report to Board.

(11) The enumeration of the express powers mentioned in subsections 4 to 10, shall not limit the general powers conferred by subsection 1. R.S.O. 1927, c. 337, s. 80. Mention of express powers not to limit general powers.

**81.**—(1) In case of his absence or illness, the President may appoint a member of any faculty to act in his stead, and if there is a vacancy in the office of President, or if no appointment is made, the Board may appoint a member of any faculty to act *pro tempore*, and, failing an appointment, and until it is made, the Dean of the Faculty of Arts of the University shall act as President *pro tempore*. President may appoint a substitute in case of absence or illness.

(2) The person acting pursuant to any such appointment shall have and may exercise all the powers and shall perform all the duties of President, but not those as to appointments, promotions and removals unless requested by the Board to do so. R.S.O. 1927, c. 337, s. 81. Powers of President pro tem.

**82.**—(1) There shall be a principal of University College, who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of University College and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar of University College, and shall also have such other powers and perform such other duties as from time to time may be assigned to him by the Board. Principal of University College.

To be a  
member of  
Faculty of  
Arts.

(2) He shall be a member of the Council of the Faculty of Arts.

To call  
meetings of  
Council of  
University  
College.

(3) He shall call meetings of the Council of University College in accordance with the regulations of the Council, and when requested to do so by at least five members thereof, and also whenever he may see fit.

May suspend  
members of  
staff of  
College.

(4) He shall have power to suspend any member of the teaching staff of University College, and any officer and servant mentioned in subsection 1, and when he exercises that power, he shall forthwith report his action to the President with a statement of his reasons therefor.

Annual  
report to  
Board and  
Senate.

(5) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of University College, and as to its progress and requirements, and make such recommendations thereon as he may deem necessary and he shall also report upon any matter which may be referred to him by the Board or by the Senate, and his reports shall, in all cases, be made through the President.

Absence or  
vacancy in  
office of  
Principal.

(6) In case of the absence or illness of the Principal, he may appoint a member of the teaching staff of University College to act for him and failing an appointment and until it is made by him, or if there is a vacancy in the office of Principal, the senior member of the teaching staff of University College shall act as principal *pro tempore*. R.S.O. 1927, c. 337, s. 82.

Registrars  
for Univer-  
sity and  
University  
College.

**83.** There shall be a Registrar for the University and a Registrar for University College, and the offices shall not be held by the same person. R.S.O. 1927, c. 337, s. 83.

#### DISCIPLINE.

Disciplinary  
jurisdiction  
of govern-  
ing bodies.

**84.—**(1) The Council of University College, and the governing bodies of the federated universities and colleges, shall, respectively, have disciplinary jurisdiction over and entire responsibility for the conduct of their students in respect of all matters arising or occurring in or upon their respective college buildings and grounds, including residences.

Disciplinary  
jurisdiction  
of faculty  
councils.

(2) The councils of such of the faculties as shall have assigned for their separate use any building and grounds, including a residence, shall have disciplinary jurisdiction over and entire responsibility for the conduct of all students in their respective faculties in respect of all matters arising or occurring in or upon such building, or grounds.

Disciplinary  
jurisdiction  
of Caput.

(3) In all other cases, as respects all students to whatsoever college or faculty they belong, disciplinary jurisdiction shall be

vested in the Caput, but the Caput may delegate its authority in any particular case or by general regulation to the council or other governing body of the university or college or faculty to which the student belongs. R.S.O. 1927, c. 337, s. 84.

**85.** The Caput shall also have power and authority to determine by general regulation, or otherwise, to what college, faculty or other body the control of university associations belongs. R.S.O. 1927, c. 337, s. 85. Control of college associations.

**86.** If there is any question as to the proper body to exercise jurisdiction in any matter of discipline which may arise, the same shall be determined by the Caput, whose decision shall be final. R.S.O. 1927, c. 337, s. 86. Deciding questions of jurisdiction.

**87.** Disciplinary jurisdiction shall include the power to impose fines. R.S.O. 1927, c. 337, s. 87. Power to impose fines.

**88.** As respects the conduct and discipline as students of the University of all students registered in the University to whatsoever college or faculty they belong and as respects all students enrolled in University College, the provisions of sections 84 to 87 may be abrogated or changed by the Board. R.S.O. 1927, c. 337, s. 88. Power to abrogate or change provisions as to discipline.

#### ELECTIONS.

**89.** The elective members of the Senate shall be elected and the appointed members thereof shall be appointed quadrennially. R.S.O. 1927, c. 337, s. 89. Quadrennial elections of Senate.

**90.**—(1) The Registrar of the University shall, after the 15th day of June, and before the 15th day of August in every year in which an election is to take place, prepare an alphabetical list to be called "The Election Register," of the names and known addresses of all graduates who are entitled to vote at such election. "Election Register."

(2) Where a card catalogue containing the names and known addresses of such graduates is kept, it shall not be necessary to prepare the alphabetical list mentioned in subsection 1. R.S.O. 1927, c. 337, s. 90. Use of card catalogue in place of list of graduates.

**91.** The election register shall be posted up or the card catalogue shall be kept in a conspicuous place in the office of the Registrar not later than the 15th day of August in every such year, and shall be open to inspection by any graduate entitled to vote, at all reasonable hours. R.S.O. 1927, c. 337, s. 91. Register to be posted up in office of Registrar.

Persons not to vote unless names on register.

**92.** No person whose name does not appear in the election register shall be entitled to vote at the election. R.S.O. 1927, c. 337, s. 92.

When election register is not duly prepared.

**93.** If from any cause the election register is not prepared at the time and in the manner provided by this Act, the Board shall make provision for the preparation of it, and all the provisions of this Act as to the election register, except those relating to time, shall apply to the election register so prepared. R.S.O. 1927, c. 337, s. 93.

List of graduates entitled to vote to be furnished to federated University.

**94.** For the purposes of all elections at which graduates of a federated university are entitled to vote, the Registrar of such University shall on or before the 15th day of June in each year in which an election at which such graduates are entitled to vote is to be held, furnish to the Registrar of the University a list of the names of all graduates of such federated university who are entitled to vote, with their post office addresses as far as the same are known. R.S.O. 1927, c. 337, s. 94.

Education Department to furnish list of principals and assistants in High Schools.

**95.** The Department of Education shall, upon the application of the Registrar of the University, furnish him, on or before the 1st day of August in such year, with a list of all principals of and assistants in collegiate institutes and high schools who are actually engaged in teaching in a collegiate institute or high school, with their post office addresses as far as known. R.S.O. 1927, c. 337, s. 95.

Separate lists of different classes of persons entitled to vote.

**96.**—(1) The Registrar, in preparing the election register, shall make separate lists to conform to the various groups enumerated under section 41.

Lists to be voters' lists.

(2) Such lists shall be the voters' lists for the election. R.S.O. 1927, c. 337, s. 96.

Complaints as to errors and omissions in lists.

**97.** If any person whose name appears or ought to appear in any election register complains in writing to the Registrar of the University, not later than ten clear days before the second Wednesday of the month of September in the year in which the election is to be held, that his name or that of any person which ought to appear therein has been omitted from such register or of any error in such name as it appears therein, or that the name of any person whose name ought not to be entered in the register appears therein, the Registrar shall forthwith examine into the complaint, and after such notice as he may deem necessary to any person whose name is sought to be stricken from such register, rectify the error, if any, therein. R.S.O. 1927, c. 337, s. 97.



**98.** The decision of the Registrar shall be subject to appeal to the President of the University. R.S.O. 1927, c. 337, s. 98. Appeal from decision of Registrar.

**99.** No person shall be elected as Chancellor, or as a member of the Senate, unless he has been nominated as hereinafter mentioned, and every vote cast for any person not so nominated shall be void. R.S.O. 1927, c. 337, s. 99. Nomination of Chancellor.

**100.** The nominations shall be in writing by a nomination paper, which shall be signed by at least ten of the persons entitled to vote at the election. R.S.O. 1927, c. 337, s. 100. Nomination to be in writing.

**101.** The nomination paper shall be delivered at the office of the Registrar, or, if sent by mail, shall be received there not later than the first Wednesday in September of the year in which the election is to take place, and if not so delivered or received shall be invalid, and shall not be acted upon. R.S.O. 1927, c. 337, s. 101. Delivery of nomination paper to Registrar.

**102.** Any person nominated for the office of Chancellor or as a member of the Senate may refuse to become a candidate for the office for which he has been nominated and he shall be deemed not to have been nominated, and his name shall not be included in the list of candidates if he notifies the Registrar in writing of his refusal within four days, in which shall not be included a Sunday or other holiday, after the day upon which the time for nominations expired. R.S.O. 1927, c. 337, s. 102. Refusal to become a candidate.

**103.** If one person only is nominated for the office of Chancellor within the time fixed for that purpose, he shall be elected to and be entitled to hold that office. R.S.O. 1927, c. 337, s. 103. Election by acclamation.

**104.** If only such number of persons as are required to be elected as members of the Senate are nominated within the time fixed for that purpose the persons so nominated shall be elected to and be entitled to hold the offices for which they were respectively nominated. R.S.O. 1927 c. 337, s. 104. Election of Senate by acclamation.

**105.** The Registrar shall report to the Senate at its next meeting the results of the election. R.S.O. 1927, c. 337, s. 105. Report of result of election to Senate.

**106.** If a poll is necessary, the Registrar shall on or before the second Wednesday in such month of September send by mail to every graduate who, according to the election register, is entitled to vote at the election, and whose place of residence Voting papers to be sent to graduates.

is shown in such register, or is known to the Registrar, a voting paper (Form 1), together with a list of the persons whose term of office is expiring, and of all persons who have been nominated. R.S.O. 1927, c. 337, s. 106.

Votes, how  
given.

**107.** The votes shall be given by closed voting papers, which shall be delivered, or, if sent by mail, shall be received at the office of the Registrar not earlier than the second Wednesday of such month of September, and not later than the first Wednesday of October following, both days inclusive, and every voting paper which has not been furnished by the Registrar, or which is not so delivered or received shall be invalid, and shall not be counted. R.S.O. 1927, c. 337, s. 107.

Scrutineers.

**108.** Two persons appointed by the Senate for that purpose, shall be the scrutineers; but, if the Senate does not at least two weeks previous to the time fixed for the counting of the votes appoint the scrutineers, the President shall make the appointment. R.S.O. 1927, c. 337, s. 108.

Opening and  
counting  
votes.

**109.**—(1) The voting papers, upon the next day after the time for receiving them has expired, shall be opened by the Registrar, and such persons as may be appointed by the President to assist in the opening thereof, in the presence of the President and of the scrutineers, who shall examine and count the votes and keep a record thereof in a book to be provided for that purpose, and the opening of the voting papers and the counting and recording of the votes shall be continued from day to day until completed.

(2) If the President is unable to be present, he shall appoint some person to act in his stead. R.S.O. 1927, c. 337, s. 109.

Who may be  
present at  
count.

**110.** Any person entitled to vote at the election may be present at the opening of the voting papers and the counting and recording of the votes. R.S.O. 1927, c. 337, s. 110.

When voter  
gives more  
votes than  
entitled to.

**111.** If more than one name appears upon a voting paper for Chancellor, the vote shall be invalid, and shall not be counted, and if more names than the number to be elected appear on a voting paper for members of the Senate, the votes shall be counted as votes for the persons whose names appear thereon in consecutive order, beginning with the first until the required number is reached, and all other votes thereon shall be invalid, and shall not be counted. R.S.O. 1927, c. 337, s. 111.

Declaration  
of result.

**112.** Upon the completion of the scrutiny and counting of the votes, the President or other person acting in his stead and

the scrutineers shall declare the result of the election, setting forth the number of votes cast for every person who has been nominated, and shall, without delay, report the same in writing under their hands to the Senate. R.S.O. 1927, c. 337, s. 112.

**113.** In case of an equality of the votes given for two or more persons for Chancellor or for a member or members of the Senate, which leaves the election undecided, the Senate shall, at its next meeting, give the casting vote or votes necessary to decide it. R.S.O. 1927, c. 337, s. 113.

**114.—**(1) If from any cause any election provided for by this Act is not held as hereinbefore provided, or if the full number of members which any body is entitled to elect is not elected, instead of an election being held, the Senate, at a special meeting called for that purpose, may appoint the number of members which such body has failed to elect.

(2) If the Senate should by resolution decline to appoint the members which any body has failed to elect, the Board shall make provision for holding the election or an election of the number of members which such body has failed to elect, as the case may be, and fix the dates for the nominations and the other proceedings for taking, counting and recording the votes thereat and declaring the result thereof, and such proceedings shall, as far as may be practicable, be conformable with those provided by this Act. R.S.O. 1927, c. 337, s. 114.

**115.** Notwithstanding any vacancy in the membership of the Senate, however caused, as long as there are at least twenty members, it shall be competent for the Senate to exercise all or any of its powers. R.S.O. 1927, c. 337, s. 115.

#### COURSES OF INSTRUCTION, ATTENDANCE, FEES, ENROLMENT.

**116.** The course of instruction in the Faculty of Arts shall be apportioned between the University and University College as follows,—

- (a) in the University, instruction shall be given in mathematics, physics, astronomy, geology, mineralogy, chemistry, biology, physiology, history, ethnology, comparative philology, Italian, Spanish, history of philosophy, psychology, logic, metaphysics, education, political science, including political economy, jurisprudence and constitutional law, and constitutional history, and in such other subjects as, from time to time, may be determined by statute in that behalf;

University  
College  
courses.

(b) in University College, instruction shall be given in Greek, Latin, ancient history, English, French, German, Oriental languages and ethics, and in such other subjects as may, from time to time, be determined by statute in that behalf, but not in theology. R.S.O. 1927, c. 337, s. 116.

Consent of  
federated  
universities  
required to  
transfer of  
subjects.

**117.** The subjects of instruction assigned by section 116 to the University and University College, respectively, shall not be transferred from the one to the other except by the direction of the Board, and no such direction shall be made unless with the consent of the federated universities. R.S.O. 1927, c. 337, s. 117.

University  
curriculum  
in Arts to  
include  
certain  
theological  
subjects.

**118.**—(1) The curriculum in arts of the University shall include the subjects of Biblical Greek, Biblical literature, Christian ethics, apologetics, the evidences of natural and revealed religion and church history, but any provision for examination and instruction in them shall be left to the voluntary action of the federated universities and colleges, and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree.

Distribution  
of options  
over years  
of course.

(2) The options shall be evenly distributed over each year of the general or pass course, and as far as practicable over each of the honour courses. R.S.O. 1927, c. 337, s. 118.

Attendance  
at lectures  
in federated  
universities.

**119.** The Board, with the consent of the federated universities, but not otherwise, may provide that attendance by a student enrolled in University College upon instruction in the subjects assigned to University College, or any of them, in any of the federated universities, shall be equivalent to attendance in University College, and that such attendance in University College by a student enrolled in a federated university shall be equivalent to attendance in such federated university, and may prescribe the terms and conditions upon which any such attendance upon instruction may take place. R.S.O. 1927, c. 337, s. 119.

Interchange  
of lectures  
with  
federated  
universities.

**120.** Save as otherwise provided by the Board, a professor, lecturer, or teacher of University College may give instruction at or to the students enrolled in any federated university in any of the subjects of instruction from time to time assigned to University College, and a professor, lecturer or teacher of any federated university may give instruction at or to the students enrolled in University College in any of such subjects, but the consent of the Princlial of University College and of the



federated university concerned and the approval of the Senate shall be first obtained. R.S.O. 1927, c. 337, s. 120.

**121.** Instruction in Arts in the University, except post-graduate instruction, shall be free to all regular matriculated students thereof who are enrolled in University College or in a federated university, and who enter their names with the Registrar of the University, but this provision shall not include exemption from laboratory fees, gymnasium fees, or fees for physical examination or instruction. R.S.O. 1927, c. 337, s. 121.

Instruction in Arts to be free except as to certain fees.

**122.** The table of fees, which on the 15th day of June, 1906, was in force for University College shall be the minimum table of fees for University College and for the arts faculties of the federated universities, and no reduction shall be made in such minimum unless with the consent of the Board and of the federated universities. R.S.O. 1927, c. 337, s. 122.

Minimum table of fees.

**123.** Attendance upon instruction in University College or in St. Michael's College or in a federated university by a student enrolled therein shall entitle such student to present himself for any arts examination in and to proceed to any degree in arts of the University, and to compete for any exhibition, scholarship, prize or certificate of proficiency in arts awarded or granted by the University in the same way and to the same extent as if he had attended upon such instruction in the University. R.S.O. 1927, c. 337, s. 123.

Attendance on lectures as qualification to compete for exhibitions, etc.

**124.** If and as far as may be sanctioned by the Senate and approved by the Board, section 123 shall apply to attendance by a student of a federated or affiliated college upon instruction therein. R.S.O. 1927, c. 337, s. 124.

Federated colleges.

**125.—(1)** All students proceeding to a degree in arts in the University, unless in cases for which special provision is made to the contrary by statute of the Senate, shall be enrolled in the University College or in St. Michael's College or in a federated university.

University students in Arts, enrolment of.

(2) Subject to the statutes of the Senate, all students proceeding to a degree in any faculty of the University other than that of Arts unless in cases for which special provision is made to the contrary by statute of the Senate, shall be registered in the University and receive their instruction therein, except in the subjects in which by or under the authority of clause *b* of section 116 instruction is or may be provided

Registration of students.

for in University College, as to which it shall be sufficient if being a student enrolled in University College or in St. Michael's College or in a federated university he has received instruction therein.

Occasional  
and  
graduate  
students.

(3) All occasional and graduate students shall also be registered in the University. R.S.O. 1927, c. 337, s. 125.

Admission  
of candi-  
dates not  
students of  
the Univer-  
sity.

**126.** Persons who have not received their instruction in the University, or in University College, or in a federated university or college, or in an affiliated college, may be admitted as candidates for examination for standing or for any degree, honour, scholarship or certificate of proficiency authorized to be granted or conferred by the University on such conditions as the Senate may, from time to time, determine. R.S.O. 1927, c. 337, s. 126.

Qualifica-  
tions of ad-  
mission to  
University  
examina-  
tions.

**127.**—(1) No student enrolled in University College or in a federated university or college or in an affiliated college shall be permitted to present himself for any university examination subsequent to that for matriculation without producing a certificate that he has complied with the requirements of such university or college affecting his admission to such examination.

Students  
enrolled in  
affiliated  
colleges.

(2) A student enrolled in an affiliated college may, subject to subsection 1 and to any statute of the Senate, present himself for any University examination subsequent to that for matriculation leading to a degree in that branch of learning in which instruction is given in such college, but such student shall not be entitled, unless by special permission of the Senate to present himself for any examination leading to a degree in arts or in any other faculty of the University. R.S.O. 1927, c. 337, s. 127.

Diplomas,  
certificates,  
etc., to  
indicate  
University  
or College.

**128.** Every graduate's diploma and student's certificate of standing, in addition to being signed by the proper authority of the University, shall indicate the federated university or college or affiliated college in which such student was enrolled at the time of his graduation or examination, and shall be signed by such professor, teacher or officer of the federated university or college or affiliated college as the governing body thereof may determine. R.S.O. 1927, c. 337, s. 128.

#### ANNUAL GRANTS.

Annual  
grant to  
University  
of portion  
of revenue  
from succe-  
sion duties.

**129.**—(1) For the purpose of making provision for the maintenance and support of the University and University College, there shall be paid to the Board out of the Consolidated Revenue Fund yearly and every year a sum equal to

fifty per centum of the average yearly gross receipts of the Province from succession duties, but such sum shall not exceed \$500,000 in any year.

(2) Such annual sums shall be paid in equal half-yearly instalments on the 1st day of July and the 1st day of January in each year, and the average yearly gross receipts from succession duties shall be determined by and be based upon the gross receipts from such duties of the three years ended on the 31st day of December next preceding the day on which the first instalment of the year is to be paid.

(3) If in any year the amount payable to the Board under the provisions of subsections 1 and 2 exceeds the amount of the estimated expenditure for the maintenance and support of the University and University College for the academic year in respect of which such amount is payable, the Lieutenant-Governor in Council may direct that the excess shall be added to the permanent endowment of the University and University College or set apart by the Board as a contingent fund to provide for the event of the amount payable to the Board being in any future year or years insufficient to defray the cost of such maintenance and support, or that the same may be applied in expenditures on capital account, or be applied or dealt with wholly or in part in each or any of such ways, and may direct that, except in so far as such excess is not directed to be so applied or dealt with, the same shall not be paid to the Board and in every such case the sum which would otherwise be payable to the Board shall be reduced accordingly. R.S.O. 1927, c. 337, s. 129.

#### TRINITY COLLEGE.

**130.**—(1) Nothing in this Act shall impair or prejudicially affect the rights of Trinity College under those provisions of the agreement made between the Trustees of the University of Toronto and Trinity College bearing date the 25th day of August, 1903, which are set out in Schedule B, but such provisions shall continue binding on the University.

(2) The Board may make such arrangement as it may deem expedient for facilitating the removal of Trinity College to Queen's Park, and to that end may agree to such modifications and alterations of the terms of such agreement, and may agree to such additional or substituted terms, financial or otherwise as to the Board may seem meet, but no such agreement shall have any force or effect until approved by the Lieutenant-Governor in Council, and when so approved it shall have the same force and effect as if the terms thereof had been embodied in this Act.

Loan to  
Trinity may  
be guaran-  
teed by  
Province.

(3) In the event of its being necessary in order to carry out any agreement entered into under the provisions of subsection 2, that to enable Trinity College to remove its seat to a site on the University land in or near Queen's Park and to erect new buildings thereon a loan to be raised by Trinity college should be guaranteed by the Province the Lieutenant-Governor in Council for and in the name of the Province may guarantee the repayment of the loan in such form and upon and subject to such conditions and stipulations as to the nature and sufficiency of the security to be given for the loan, the safeguards which may be deemed necessary to protect the Province against loss and to ensure the repayment of principal and interest as the same become due and otherwise as to the Lieutenant-Governor in Council may seem meet.

Trinity  
College  
authorized  
to enter into  
agreement  
as to re-  
moval.

(4) Trinity College may enter into any agreement which it may deem necessary for carrying out the purpose mentioned in subsection 2, and may make and execute all agreements, deeds and other instruments deemed necessary to carry into effect the provisions of any such agreement.

Borrowing  
powers of  
Trinity  
College.

(5) Trinity College may also borrow upon the security of its property, real and personal, or any part thereof, such sum of money as may be deemed requisite in order to carry out such removal, and the terms of any agreement so entered into, and may execute such deeds, bonds, debentures and other instruments necessary for the purposes of such security, and the money so borrowed may be repayable at such times and in such manner and bear such rate of interest as to Trinity College may seem meet. R.S.O. 1927, c. 337, s. 130.

#### DEVONSHIRE PLACE.

Board  
may close  
Devonshire  
Place.

**131.**—(1) The Board may stop up and close the highway in the City of Toronto called Devonshire Place, and if and when a statute for that purpose is passed by the Board and registered as hereinafter mentioned, the said highway shall be stopped up and closed and shall cease to be a highway, and the soil and freehold thereof shall be vested in the Board for the use of the University and University College.

Compensa-  
tion to  
owners of  
adjoining  
lands.

(2) The Board shall make to the owners and occupiers of and all persons interested in any of the lots fronting or abutting on the highway compensation for the damage or injury occasioned to such lots by the closing of the highway, and the amount of such compensation shall be ascertained and determined in the manner provided for by clause (g) of section 31.



(3) The statute may be registered in the Registry Office for the City of Toronto, and for the purpose of such registration a duplicate original of the statute shall be made out and certified under the hand of the Bursar and the seal of the Board and shall be registered without any further proof. R.S.O. 1927, c. 337, s. 131.

Registration of statute closing Devonshire Place.

*Section 144 of 6 Edw. VII. c. 55 is not included in the consolidation, but is not repealed.*

#### FEDERATED COLLEGES BECOMING COLLEGES OF THE UNIVERSITY.

**132.** If where a college federated with the University has established or hereafter establishes a faculty of arts in which instruction in the subjects of the course of study in arts not being University subjects is provided and a statute of the Board has been or shall be passed declaring that it has so done, such college, so long as it maintains such faculty to the satisfaction of the Board, shall be known as and may be called a college of the University, and the teaching staff in such faculty shall have the same representation in the Council of the Faculty of Arts as is by section 66 given to the teaching staffs of the federated universities, and the regular matriculated students of such college who are enrolled therein and enter their names with the Registrar of the University shall be entitled to the privileges which are by section 121 conferred upon the students mentioned therein. R.S.O. 1927, c. 337, s. 132.

When federated college may become a college of the University.

### SCHEDULE A.

#### FORM 1.

(Section 106.)

#### FORM OF VOTING PAPER.

#### UNIVERSITY OF TORONTO ELECTION.

19 .

I, \_\_\_\_\_ resident at \_\_\_\_\_ in the county of \_\_\_\_\_ do hereby declare:

(1) That the signature subscribed hereunto is of my proper hand-writing.

(2) That I vote for the following person as Chancellor of the University of Toronto, viz., \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_

(3) That I vote for the following persons as members of the Senate of the University of Toronto, viz.,  
of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_  
etc., etc.

(4) That I have not for the purpose of this election signed any other voting paper as a graduate of the Faculty of Arts (*or of Medicine, or of Law, or of Applied Science and Engineering (or as the case may be) or as a Principal of or Assistant in a Collegiate Institute, or a High School, as the case may be*).

(5) That this voting paper was signed by me on the day of the date thereof.

(6) That I vote in my right as graduate of \_\_\_\_\_ University  
(or Principal of, or Assistant in a Collegiate Institute or a High School, *as the case may be*).

(7) (In the case of a Principal of, or Assistant in a Collegiate Institute or in a High School) That I am now actually engaged in teaching in a Collegiate Institute (*or in a High School, as the case may be*) viz., in the \_\_\_\_\_ at \_\_\_\_\_.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
A. B.

R.S.O. 1927, c. 337, Sched. A.

## SCHEDULE B.

(Section 130.)

Provisions of the agreement between the Trustees of the University of Toronto and Trinity College which are not to be affected by the Act.

"The parties of the second part shall be entitled to have lectures in the University subjects as defined by *The University Act, 1901*, delivered by the professors and other instructors of the University of Toronto at Trinity College in all subjects of the general or pass course, and as far as practicable in all subjects of the several honour courses, but it is hereby declared that it is not intended that there shall be any duplication of lectures or other instruction for the purposes of which scientific apparatus or other means of demonstration are required which are not provided by Trinity College, and which cannot be conveniently taken from the University buildings to Trinity College.

"All arrangements for such lectures, including the time table of lectures and the personnel of lecturers, shall be made in such manner as to afford to the students enrolled at Trinity College the same advantages in regard to the University lectures as are afforded to the students of the other Arts colleges, and the said arrangements shall be made in each year by the President of the University of Toronto and the Provost of Trinity College, and, in the event of their being unable to agree on any matter, the same shall be forthwith referred for final decision to such person as they may designate in writing under their hands, and, in the event of the President and the Provost being unable to agree upon such referee within one week after such disagreement on any matter as aforesaid, such referee shall be appointed by the Minister of Education, and a decision in writing of such referee, by whomsoever chosen, shall be final.

"The expenses connected with the duplication of lectures as aforesaid shall be assumed by the Government as a permanent charge on the provincial revenues in consideration of the suspension by Trinity College of its degree conferring powers, and of its surrender to the

University of Toronto of all fees in connection with degrees other than those of Theology.

"A site to be agreed on between the said parties hereto in or near the Queen's Park, in the City of Toronto, on the lands vested in the parties of the first part, shall be reserved for the parties of the second part, on which they may erect at their own expense a building for the use of the students of Trinity College while attending lectures in the University buildings.

"Such site shall be occupied by the parties of the second part free of ground rent and all other charges so long as the federation of the universities continue, but, in the event of the withdrawal of the parties of the second part from federation the said building shall be purchased from the said parties of the second part by the said parties of the first part at a valuation to be determined by the arbitration of two indifferent persons to be appointed, one by each of the parties hereto, their successors or assigns, and this provision shall be deemed to be and shall be a submission under *The Arbitration Act*.

"Until the erection of such building, students from Trinity College attending University lectures shall be allowed the use of some suitable rooms in one of the University buildings.

"Subsections 1 and 2 of section 43 of the said Act are hereby declared to be incorporated in and to form part of this agreement.

"The Senate of the University of Toronto shall enact such statutes as may be necessary to enable the University of Toronto to confer on undergraduates and graduates of Trinity College the degrees provided for by subsection 2 of section 3 of *The University Act, 1901*, which are now conferred by Trinity University.

"The examination for the said degrees shall be conducted by the University of Toronto through examiners nominated by the parties of the second part, and the said degrees shall be conferred by the University of Toronto upon the report of the said examiners.

"All students of Trinity Medical College who have not matriculated at the date of the issue of the proclamation of the federation of the two universities shall be allowed two years from the date to matriculate in the University of Trinity College under the regulations in force at the date of federation."

R.S.O. 1927, c. 337, Sched. B.

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## CHAPTER 373.

## The Upper Canada College Act.

Interpretation.

**1.** In this Act,—

"Board."

(a) "Board" shall mean Board of Governors of Upper Canada College;

"College."

(b) "College" shall mean Upper Canada College. R.S.O. 1927, c. 338, s. 1.

## BOARD OF GOVERNORS AND CONSTITUTION.

Board of Governors.

**2.** Upper Canada College and the property, revenue, business and affairs thereof shall be under the government, management, conduct and control of a Board of seventeen Governors, to be elected or appointed as hereinafter mentioned, which shall continue to be a body corporate by the name of Upper Canada College. R.S.O. 1927, c. 338, s. 2.

Board, how constituted.

**3.**—(1) The Board shall be constituted as follows:(a) Six members *ex officio*:

- (i) The Chief Justice of Ontario.
- (ii) The Honourable the Minister of Education of Ontario.
- (iii) The Treasurer of the Law Society of Upper Canada.
- (iv) The Chancellor of the University of Toronto.
- (v) The President of the Board of Trade of the City of Toronto.
- (vi) The President of the Upper Canada College Old Boys' Association.

(b) Eleven other members, eight of whom shall be appointed by the Board and three elected by the Upper Canada College Old Boys' Association. R.S.O. 1927, c. 338, s. 3 (1).

Retirement, annually, of two appointed members.

(2) Of the eight members appointed by the Board, two shall retire annually on the 1st day of January in each year, but shall remain in office until their successors are chosen.



(3) The vacancies occasioned by the two members retiring annually and every other vacancy occurring at any time in the eight memberships shall be filled by the Board by appointment. <sup>Vacancies.</sup>

(4) The remaining three of the eleven members shall be elected by the Upper Canada College Old Boys' Association and shall hold office for three years from the date of their election, and their successors shall be elected by the Upper Canada College Old Boys' Association or by such committee thereof as the by-laws or rules of the Association provide for every three years. <sup>Retirement of elected members.</sup>

(5) Any vacancy occurring during any such period of three years in the representatives of the Association shall be filled by the Association or Committee by the election of another member or members in like manner. <sup>Vacancies.</sup>

(6) The mode of election of the Governors to be elected by the Association and the qualifications of electors and of such Governors shall be fixed by by-law of the Association. <sup>By-laws, as to elections.</sup>

(7) The retiring members of the Board shall be eligible for re-appointment or re-election. <sup>Re-election.</sup>

(8) If and while the same person fills the offices of Chief Justice of Ontario and Chancellor of the University of Toronto the President of the High Court shall be a member of the Board. R.S.O. 1927, c. 338, s. 3 (3-9). <sup>Additional member.</sup>

4. In the event of the removal from Ontario, or absence without leave for six successive months of any member of the Board, other than an *ex officio* member, from the meetings of the Board, the Board may by a resolution passed by a two-thirds vote of the members present at a meeting duly called for that purpose declare the seat of such member to be vacant. R.S.O. 1927, c. 338, s. 4. <sup>Declaring seat vacant for absence.</sup>

5. At the first meeting of the Board in each year after the 1st day of January, or at a meeting thereafter specially called for the purpose, the Board shall elect one of themselves to be chairman and he shall hold office during that year and until his successor is elected. R.S.O. 1927, c. 338, s. 5. <sup>First meeting of Board.</sup>

#### PROPERTY OF THE COLLEGE.

6. The property now vested in the College and the principal of all money invested, other than money appropriated to the contingent fund hereinafter mentioned, and all subscriptions received for the purpose of endowment shall not, except as hereinafter provided, be diminished or expended <sup>Permanent fund.</sup>

but shall remain as a permanent fund for the support and maintenance of the College and for the purposes of this Act. R.S.O. 1927, c. 338, s. 6.

Future  
property.

7. All property, real and personal, that may hereafter be granted, devised or bequeathed to the College shall be vested in the College in trust for the purposes and support of the College subject to the provisions of this Act and to the terms of the grant, devise or bequest. R.S.O. 1927, c. 338, s. 7.

Income  
fund.

8. The income from the permanent fund and from the investments made by the College, the fees received for tuition and maintenance, the rents, issues and profits and interest or dividends from all property held for the benefit of the College, except property touching which it has been otherwise ordered by the donors, and all contributions received by the College for the purpose of being applied towards the maintenance of the College shall form the income fund of the College, and shall be at the disposal of the Board for the purposes of the College, and the Board may in its discretion from time to time appropriate any surplus for the purposes of creating a contingent fund or may add the same to the permanent fund of the College. R.S.O. 1927, c. 338, s. 8.

Contingent  
fund.

Exemption  
from taxa-  
tion of  
property  
held by  
College.

9.—(1) All property now vested in or which shall be hereafter in any way acquired by or vested in the College shall be exempt from taxation in the same manner and to the same extent as property vested in the Crown for the public uses of Ontario.

Property  
used by  
officers of  
College.

(2) Such exemption shall also apply to any such property when occupied or used by the Principal or any master or other instructor of the College or by any other person *bona fide* in connection with the College.

When lands  
taxable in  
Township  
of York.

(3) Where it is alleged by the corporation of the Township of York that land situate in the said township which has been vested in the College, or any interest in such land, has been sold or disposed of, or has become vested in any other person, the Ontario Municipal Board, upon the application of the said corporation, may from time to time fix and determine,

- (a) the land or interest, if any, liable to taxation as against any person other than the College by reason of such sale or disposition; and
- (b) the amount at which such land or interest should be properly assessed as against such person for the purposes of taxation;

and the order of the Board shall be final and shall not be subject to appeal, and such land or interest shall be thereafter liable to assessment accordingly in the said municipality. R.S.O. 1927, c. 338, s. 9.

**10.** It is declared that land which has been sold or otherwise disposed of by the College to any person who has the right to re-sell the same, notwithstanding that the College retains, or has acquired or been given any interest therein, including any right of user, or estate legal or equitable, and notwithstanding anything contained in section 9, and land leased by the College to any person or occupied by any person for any purpose not connected with the College shall be assessable against the person to whom such land has been sold or disposed of or agreed to be sold to the extent of the interest of such person in such land, or against such lessee or occupant, in the same way as if the interest of the College was held by some person other than the College and the interest of any person other than the College in such land shall be subject to the charge thereon given by section 99 of *The Assessment Act* and shall be liable to be sold under the provisions of that Act for arrears of taxes accrued against the land. R.S.O. 1927, c. 338, s. 10.

Assessment of interest of party other than the College in land.

Rev. Stat. c. 272.

**11.** The real property vested in the College shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto. R.S.O. 1927, c. 338, s. 11.

Property not liable to expropriation.

**12.** All real property vested in the College shall so far as the application thereto of any statute of limitation is concerned be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. R.S.O. 1927, c. 338, s. 12.

Application of statute of limitation.

#### POWERS OF BOARD AS TO EXPENDITURE, MORTGAGE, SALE, ETC.

**13.** The Board may from time to time temporarily use money, not exceeding in the aggregate \$100,000, of the permanent fund of the College for any purpose in connection with the maintenance or administration of the College, and may raise such money by pledge or mortgage of any securities or of the land of the College or any part thereof. R.S.O. 1927, c. 338, s. 14.

Use of part of permanent fund.

Money may be raised temporarily on mortgage.

**14.** The Board may raise money temporarily upon mortgage or charge of the land of the College or any part thereof pending sale for the purpose of acquiring other land and establishing the College elsewhere as hereinafter mentioned. R.S.O. 1927, c. 338, s. 15.

Power to sell and dispose of land.

**15.** With the consent of the Lieutenant-Governor in Council the Board may from time to time sell and dispose of the land of the College or any part thereof. R.S.O. 1927, c. 338, s. 16.

Change of site authorized.

**16.** If such sale or sales of land be with the object of or shall necessitate the establishment and continuance of the College elsewhere in Ontario than upon its present site, the proceeds of the sale shall be applied for that purpose so far as may be necessary, and all money not required for that purpose shall form part of the permanent fund of the College. R.S.O. 1927, c. 338, s. 17.

#### OTHER POWERS.

Specific powers of Governors.

**17.—(1)** Without limiting the powers hereinbefore conferred, the Board shall have power to,—

- (a) manage the endowment and permanent fund and all other property of the College, but, except as aforesaid, not to alienate or incumber the same or any part thereof, except the contingent fund and moveable property which may from time to time be disposed of by the Board as may be deemed best;
- (b) invest the endowment and permanent fund and all money which shall or may come into its hands for the purposes of the College, but subject to the limitations of any trust as to the same, upon mortgages of freehold or leasehold land, the debentures, bonds, stocks or other securities of any government or of any municipal corporation or school section in Canada;
- (c) lease any part of the property not required for the business or accommodation of the College for any term not exceeding forty-two years with provision for renewals, and for payment for buildings or improvements;
- (d) receive and invest, subject to the directions of the grant or bequest, all money granted or bequeathed for the purposes of the College and provide for free tuition and maintenance in the College of pupils nominated by persons subscribing to the endowment



fund, and found masterships, exhibitions, scholarships or prizes to be named as the donors may direct and the Board may approve;

- (e) authorize such permanent improvements, alterations or additions to the buildings of the College or the erection and equipment of such new buildings as may be desired, and the purchase of land for the erection of new buildings, and direct that the cost thereof shall be paid out of the permanent fund, but they shall not impair the permanent fund of the College without the consent of the Lieutenant-Governor in Council, or to an extent that would interfere with the payment of any charges in respect thereof, and if the Board deem it necessary from time to time or at any time to borrow moneys to meet expenditures for the objects contemplated by this clause, borrow to the extent of \$100,000, upon the security of a mortgage or mortgages upon the lands and property of the College, either as direct security for such borrowings or for security for any bonds or obligations representing the said borrowings which the Board may think proper to issue, or secured in any other way which the Board may approve, and such moneys may be borrowed for such time or times and at such rates of interest as the Board shall approve;
- (f) borrow money for the purposes mentioned in clause *e* to the extent of \$25,000 upon the security of subscriptions of money to or for the benefit of the College which are made payable by the terms of the subscriptions at some future date or by instalments. R.S.O. 1927, c. 338, s. 18.

(2) Notwithstanding anything contained in clause *f* of subsection 1, the Board may, with the approval of the Lieutenant-Governor in Council, and for the purposes mentioned in clause *e* of subsection 1, borrow a sum of money not exceeding \$100,000 upon the security of one or more subscriptions of money to or for the benefit of the said College which are made payable by the terms of the subscriptions at some future date, or by instalments. 1933, c. 59, s. 28.

Special  
borrowing  
power of  
Board.

#### APPOINTMENT OF OFFICERS AND GENERAL POWERS.

**18.** The Board shall appoint the principal, masters, bursar and other officers and servants of the College, and shall have the control, management and government of the College and, subject to the provisions of this Act, also of all its properties, endowment, funds, assets, income and revenues, and may pass

Appoint-  
ment of  
principal,  
masters,  
etc., and  
general  
powers.

by-laws, rules and regulations for the working and management of the College including the establishment of masterships, exhibitions, scholarships and prizes and fixing the salaries of the principal, masters, bursar, officers and servants, and also as to all matters pertaining to the business, meetings and transactions of the Board, and may fix the quorum necessary for meetings of the Board, and may act by such committees as they may deem proper to appoint. R.S.O. 1927, c. 338, s. 19.

## GENERAL.

Execution  
of instru-  
ments.

**19.** Subject to the by-laws of the Board, all conveyances, grants, leases, discharges or assignments of any property held by or for the College shall be made by the Board under its corporate seal which shall be attested by the signatures of the chairman or some person thereto authorized by the Board and of the bursar. R.S.O. 1927, c. 338, s. 20.

Superannua-  
tion.

**20.** The Board may make regulations for the retirement and superannuation of any master, officer or servant of the College, and any gratuity or superannuation allowance may be paid out of a fund to be provided for that purpose or out of the income fund as the Board shall direct. R.S.O. 1927, c. 338, s. 21.

Returns to  
Lieutenant-  
Governor in  
Council.

**21.** The Board, when required by the Lieutenant-Governor in Council, shall make returns of the property of the College, real and personal, and furnish reports as to the state of the College with such details and information as he may from time to time require. R.S.O. 1927, c. 338, s. 22.

Regulations  
by  
principal.

**22.** The principal, subject to the approval of the Board, may make regulations for the direction of the masters, officers and servants in regard to their duties and for the discipline and instruction of the pupils of the College, for the conduct of the school and the management of the school buildings and grounds. R.S.O. 1927, c. 338, s. 23.

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## CHAPTER 374.

## The Agricultural College Act.

**1.** "The Ontario Agricultural College and Experimental Farm" is hereby continued. R.S.O. 1927, c. 339, s. 1. School of Agriculture continued.

**2.** The College shall be furnished with such land and buildings and with all such appliances, implements, tools and apparatus as may be necessary for theoretical and practical education in agriculture, horticulture and arboriculture, and the course of instruction therein shall be with reference to the following subjects,— Appliances and equipment. Nature of instruction.

- (a) the theory and practice of agriculture;
- (b) the theory and practice of horticulture;
- (c) the theory and practice of arboriculture;
- (d) the elements of the various sciences, especially chemistry, theoretical and practical, applicable to agriculture and horticulture;
- (e) the technical English and mathematical branches requisite for an intelligent and successful performance of the business of agriculture and horticulture;
- (f) the anatomy, physiology and pathology of the ordinary farm animals with the characteristics of the different varieties of each kind; with the management thereof in the breeding, raising, fattening and marketing of each; and with a knowledge of the cheese and butter factory systems;
- (g) the principles of construction and skilful use of the different varieties of buildings, fences, drainage systems and other permanent improvements, machinery, implements, tools and appliances necessary in agricultural and horticultural pursuits; and
- (h) such other subjects as will promote a knowledge of the theory and practice of agriculture, horticulture and arboriculture. R.S.O. 1927, c. 339, s. 2.

**3.—**(1) The education and instruction shall be theoretical and practical and the former shall be known as a course of study and the latter as a course of apprenticeship, and the hours Study and apprenticeship.

of labour in the latter course shall be regulated by the President of the College, with the approval of the Minister of Agriculture.

Allowance  
for  
expenses—  
dispensing  
with ap-  
prentice-  
ship.

(2) For the encouragement of labour in the course of apprenticeship an allowance in part liquidation of expenses may be made, but the course of apprenticeship may be dispensed with if a satisfactory examination be previously passed in all the operations therein required. R.S.O. 1927, c. 339, s. 3.

Nature of  
experiments.

4. Experiments with the different varieties of cereals, grasses and roots; of trees, plants, shrubs, flowers and fruits; with different modes of cultivation; with different manures; with the breeding, raising and fattening of animals; with the products of the dairy, and with whatsoever else may be of practical benefit in adding to the knowledge of the facts, principles and laws of the science and art of agriculture, horticulture and arboriculture under the climatic conditions of Ontario shall be carried out on the experimental farm, and the modes of procedure and results published from time to time. R.S.O. 1927 c. 339 s. 4.

Publication  
of procedure  
and results.

Rules, regu-  
lations and  
curriculum  
of the  
College.

5. The government of the College shall be under and according to such rules and regulations as the Lieutenant-Governor in Council may from time to time prescribe, and such rules and regulations shall provide for the standard and mode of admission, the course of study and apprenticeship in each course in which instruction is given, and may authorize diplomas, certificates of proficiency, scholarships or other rewards to be given, after examination, in any subjects, and may also impose reasonable fees for attendance. R.S.O. 1927, c. 339, s. 5.

Appointment  
of President  
and staff.

6.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister of Agriculture, may appoint a President, professors, lecturers, and other members of the teaching or executive staff, and prescribe their respective duties.

Appointment  
of officers,  
labourers,  
servants.

(2) The President, subject to the approval of the Minister, may appoint such other officers, labourers, or servants as may be deemed necessary for the efficient working of the College and farm. R.S.O. 1927, c. 339, s. 6.

Appointment  
of Advisory  
Board.

7.—(1) Upon recommendation of the Minister of Agriculture, the Lieutenant-Governor in Council may appoint an Advisory Board consisting of not more than seven members to advise and assist the Minister of Agriculture in the management of the College and farm, and may prescribe its duties and powers and the period for which the members shall continue in office.



(2) The Board shall be composed as follows: The Deputy Minister of Agriculture who shall act as chairman, the President of the College, and three graduates or associates of the College who are residents of Ontario and not members of the staff. Composition of.

(3) The Minister may recommend as additional members Idem. not more than two persons who are not graduates or associates of the College.

(4) The members of the Advisory Board shall be paid for attending the meetings of the Board an allowance not exceeding \$4 per day, and also their actual necessary travelling expenses in attending the meetings. Allowance for attending meetings. R.S.O. 1927, c. 339, s. 7.

8. The sessions, terms and vacations shall be fixed by the Lieutenant-Governor in Council. Sessions, terms and vacations. R.S.O. 1927, c. 339, s. 8.

9. The College is affiliated with the University of Toronto, subject to *The University Act*, to the extent of enabling the students of the College to obtain at the examinations of the University such rewards, honours, standing, scholarships, diplomas and degrees in agriculture as the University has authority to confer. Affiliation of the College with the University of Toronto. Rev. Stat. c. 372. R.S.O. 1927, c. 339, s. 9.

10. In connection with the College there shall be a museum of agriculture and horticulture, together with the scientific and technical branches relating thereto, in order to afford aids to practical instruction and illustrations of the agricultural and horticultural products of Ontario, as well as a botanical and chemical laboratory to which vendors of seeds and artificial manures may send such seeds and manures in order that, after the proper inspection and tests, their purity and strength may be reported for the benefit and protection of the agricultural community. Museum and laboratory. R.S.O. 1927, c. 339, s. 10.

11. The Lieutenant-Governor in Council on behalf of the Province may accept, hold and enjoy any gifts, bequests or devises of real or personal property or effects which any person may think fit to make for the purposes of the College, museum or laboratory. Gifts, bequests, etc., to college, museum or laboratory. R.S.O. 1927, c. 339, s. 11.

12. The Lieutenant-Governor in Council may make such regulations as may be deemed expedient touching the conduct of the students, and their attendance at public worship in their respective churches or other places of religious worship and respecting their religious instruction by their respective ministers according to their respective forms of religious faith, Facilities for acquiring religious training.

and every facility shall be afforded for such purposes. R.S.O. 1927, c. 339, s. 12.

Orders-in-Council to be laid before the Assembly.

**13.** Every Order-in-Council made under this Act shall be laid before the Assembly forthwith if the Assembly is then in session, and if not then in session, then within fifteen days after the opening of the next session, and if the Assembly at such session, or if the session does not continue for three weeks after the Order is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of the Order-in-Council the same, so far as so disapproved of, shall have no effect from the time of such resolution being passed. R.S.O. 1927, c. 339, s. 13.

Reports to Assembly.

**14.** Full reports of the progress of the College and farm shall be annually returned and submitted to the Assembly, which reports shall, amongst other things, contain,—

- (a) a tabular statement with the name and residence of each student attending in each session of the year, together with the name, residence and occupation of his parent or guardian, the number of classes that each student attended, and his progress and efficiency therein;
  - (b) a return of the names of the professors, instructors, and assistants, with a summary of the instruction given by each;
  - (c) a copy of the examination papers used in the sessional examinations, and the results thereof;
  - (d) a summary of the operations in the various departments of the farm;
  - (e) a clear and succinct account of the modes of procedure and results of the various experiments carried on during the year;
  - (f) a detailed statement of the income and expenditure of the College and farm for the year;
  - (g) a copy of all rules and regulations made during the year by the Lieutenant-Governor in Council regarding the standard and mode of admission, the course of study and the course of apprenticeship;
  - (h) a comparative statement showing the progress of the College and farm from year to year. R.S.O. 1927, c. 339, s. 14.
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## CHAPTER 375.

## The Veterinary College Act.

**1.** The Ontario Veterinary College shall be operated under the direction of the Minister of Agriculture. R.S.O. 1927, c. 340, s. 1. Ontario Veterinary College,—direction of.

**2.** The College shall be furnished with all such appliances and equipment as may be necessary for theoretical and practical training in the science and art of veterinary medicine, and in such other branches of education as may be requisite for the intelligent and successful performance of the business of a veterinary surgeon. R.S.O. 1927, c. 340, s. 2. Appliances and equipment of College.

**3.** The Lieutenant-Governor in Council may appoint a principal, a principal emeritus and such professors, lecturers and instructors as may be deemed necessary for giving instruction in the College and the promotion of its usefulness, and may pass by-laws regulating and prescribing their respective duties. R.S.O. 1927, c. 340, s. 3. Principal and officers.

**4.** The Lieutenant-Governor in Council may authorize the making of arrangements whereby instruction in any of the subjects prescribed to be taught in the College may be provided by the University of Toronto or by the Ontario Agricultural College or by any other college affiliated with the University of Toronto. R.S.O. 1927, c. 340, s. 4. Arrangements with certain colleges.

**5.** The government of the College shall be under and according to such rules and regulations as the Lieutenant-Governor in Council may from time to time prescribe, and such rules and regulations shall contain provisions for the standard and mode of admission, the course of study, the fees to be charged, the sessions, terms and vacations, and such provisions as may be deemed expedient touching the conduct of students. R.S.O. 1927, c. 340, s. 5. Government and control of College.

**6.** Every student shall, upon the successful completion of the course of study, and upon passing the prescribed examinations, and upon satisfactory compliance with the rules and regulations of the College, be granted a diploma by the University of Toronto, conferring the title and degree "B.V.Sc.," the possession of which shall admit him to all the privileges, Qualification for degree of B. V. Sc.

rights and standing of a Bachelor of Veterinary Science. R.S.O. 1927, c. 340, s. 6.

Issue of duplicate diploma in certain cases.

**7.** The Lieutenant-Governor in Council may by order make provision whereby in case of the loss or destruction of any diploma issued by the former Agriculture and Arts Association, the former Ontario Veterinary College, Limited, or by the Minister of Agriculture, a duplicate diploma may be issued to the person entitled to the same. R.S.O. 1927, c. 340, s. 7.

Accepting gifts, etc., on behalf of College.

**8.** The Lieutenant-Governor in Council on behalf of the Province may accept, hold and enjoy any gifts, bequests or devises of personal or real property or effects which any person or any government may think fit to make for the purpose of the College. R.S.O. 1927, c. 340, s. 8.

Advisory Board.

**9.** The Lieutenant-Governor in Council may, if deemed advisable, appoint an Advisory Board to advise and assist the Minister of Agriculture in the management of the College, and may by Order-in-Council prescribe its duties and powers and the amounts to be allowed for the services and expenses of the members of such Board. R.S.O. 1927, c. 340, s. 9.

Affiliation with University of Toronto, continued.

**10.** The College is affiliated with the University of Toronto to the extent of enabling the students of the said College to obtain at the examination of the University such rewards, honours, standing, scholarships, diplomas, and degrees in Veterinary Science as the University has authority to confer. R.S.O. 1927, c. 340, s. 10.

Annual report of Principal.

**11.** The Principal of the College shall at the close of each year present to the Minister of Agriculture a report upon the work of the College in such form as the Minister may approve, setting forth the staff, the course of instruction, the students in attendance, the examination results, the income and expenditure and such general information as shall show the work being done, and this report shall be laid before the Assembly within the first thirty days of the session next ensuing. R.S.O. 1927, c. 340, s. 11.

Power to purchase or lease lands, etc.

**12.** The Lieutenant-Governor in Council may purchase or acquire or lease such buildings and premises as may from time to time be required for carrying on the work of the College. R.S.O. 1927, c. 340, s. 12.

Prohibition against using name of the College.

**13.—(1)** No person or persons, association, company or organization other than is authorized under this Act shall, by advertisement or otherwise, use the name of the Ontario



Veterinary College, and no person, association, company or organization shall, by advertisement or otherwise, use any name similar or analogous to that of the Ontario Veterinary College without first receiving the consent of the Minister of Agriculture in writing.

(2) Any person violating the provisions of this section <sup>Penalty.</sup> shall on summary conviction incur a penalty not exceeding \$50 and in default of payment thereof shall be liable to imprisonment for not less than thirty days. R.S.O. 1927, c. 340, s. 13.

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## CHAPTER 376.

## The Mining Schools Act.

Interpreta-  
tion "union  
muni-  
cipality."

**1.** In this Act "union municipality" shall mean a municipality composed of two or more townships. R.S.O. 1927, c. 341, s. 1.

By-laws for  
establish-  
ment of  
mining  
schools.

**2.**—(1) The council of any city, town, village, township or union municipality may by by-law provide for the establishment within such city, town, village, township or union municipality, or elsewhere, of a mining school, and may by the by-law provide for the levying of a special annual rate upon the whole of the rateable property thereof for any term not less than ten nor more than thirty years for the establishment or maintenance of such school or both, or for the leasing of buildings or land, or for the purchase of land and erection of buildings, or for the purchase and maintenance of machinery, furnaces and scientific apparatus, and all other things necessary for the treatment of any ore or other mineral in Ontario, and of all the appliances necessary for the treatment of such ores or minerals by reduction, smelting and other works as well as all appliances, works, methods and systems necessary for the separation, amalgamation, manufacture or other treatment of the metals thereby produced, and for the maintenance of the necessary teaching staff.

Assent of  
electors.

(2) No such by-law shall be finally passed until it has first received the assent of a majority of the electors of the municipality in the manner provided by *The Municipal Act* with respect to money by-laws. R.S.O. 1927, c. 341, s. 2.

Rev. Stat.  
c. 266.

Establish-  
ment of  
schools in  
portions of  
muni-  
cipalities.

**3.**—(1) In case a petition is presented from any township forming part of a union municipality to the council of such union municipality praying for the passing of a by-law for any or all of the purposes mentioned in section 2, such council shall submit a by-law for the assent of the electors of such township in accordance with the prayer of the petition.

Council to  
pass by-law  
on assent  
of electors.

(2) Upon the assent of a majority of the electors of such township being obtained to the passing of the by-law, the council shall pass the same and levy and collect a special annual rate upon the whole of the rateable property within such township for any term of years not less than ten nor more than thirty years for any of the purposes in Section 2 mentioned. R.S.O. 1927, c. 341, s. 3.

4.—(1) Subject to the assent of the electors being first obtained as provided by section 2, the council of any city, town, village, township or union municipality may pass a by-law providing for the granting of aid by ways of bonus to any such school now or hereafter established either in any township forming part of such municipality or elsewhere.

(2) If debentures are issued for the bonus or for raising money to pay the same such debentures shall not be payable within any period less than ten years nor more than thirty years after the issue thereof. R.S.O. 1927, c. 341, s. 4.

5. The council of any county may by by-law passed by the votes of two-thirds of the whole number of members thereof, grant aid to the extent of \$10,000 to any mining school now or hereafter established for any or all of the purposes mentioned in section 2. R.S.O. 1927, c. 341, s. 5.

6. Every school so established or aided shall be under the management and control of a board of trustees who shall be elected annually, one by each of the cities, towns, villages, townships or union municipalities granting such aid, and the trustees shall be a body corporate under the name of "The Board of Trustees of the Mining School of \_\_\_\_\_," and all the school land, buildings and property belonging thereto shall be vested in such corporation, and when any county council makes a grant such council shall be entitled to appoint one of the trustees of the board. R.S.O. 1927, c. 341, s. 6.

7. Every school so established shall be conducted in accordance with the regulations of the Department of Education, and every teacher or instructor employed therein shall, before entering upon his duties, obtain a certificate or permit from the Minister of Education. R.S.O. 1927, c. 341, s. 7.

8. If any such school is established or aided by one municipality only or one portion of a municipality, such municipality or the township granting such aid shall elect three trustees for the purposes mentioned in section 6, and where two municipalities or two townships forming a part thereof grant such aid, each of such municipalities or of such townships shall elect two trustees. R.S.O. 1927, c. 341, s. 8.

9.—(1) If at any time a school established under this Act is abandoned or if the trustees of any such school refuse or neglect to comply with a regulation of the Department of Education the Minister of Education may by an order in

writing signed by himself authorize the council or councils granting aid to such school to cease to collect or levy the rates hereinbefore provided for, and may direct the council to cease to pay over to the trustees of such school any sums in the hands of the council payable to the board.

Levying of rates not affected.

(2) This section shall not affect in any way the levying of rates for the payment of debentures issued under the provisions of this Act. R.S.O. 1927, c. 341, s. 9.

Application of railway aid clauses of Municipal Act.

Rev. Stat. c. 266.

**10.** Except where inconsistent with this Act the provisions of *The Municipal Act* with regard to granting aid by any municipality or portion of a municipality to a railway shall apply to the by-law which may be passed under this Act. R.S.O. 1927, c. 341, s. 10.

Election and powers of trustees.

**11.** The members of a board of trustees shall be elected in the manner provided for the election of municipal councillors within the municipality establishing such a school or granting such aid, and the trustees shall, in so far as the same are applicable with regard to the management and control of the mining school, possess the same powers and be subject to the same provisions of law as public school trustees. R.S.O. 1927, c. 341, s. 11.

Act to be read with Municipal Act.

Rev. Stat. c. 266.

**12.** Except where inconsistent therewith this Act shall be read and construed as if it formed part of *The Municipal Act* and shall apply to municipalities formed under section 24 of that Act. R.S.O. 1927, c. 341, s. 12.

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## CHAPTER 377.

## The College of Art Act.

**1.** In this Act,—Interpreta-  
tion.

(a) "College" shall mean Ontario College of Art;

"College."

(b) "Council" shall mean the Council of the Ontario College of Art constituted as hereinafter provided.  
R.S.O. 1927, c. 342, s. 1.

**2.** The College of Art established at the City of Toronto under the provisions of the Act passed in the second year of the reign of His late Majesty King George the Fifth and chaptered 79, shall be continued as the "Ontario College of Art." R.S.O. 1927, c. 342, s. 2.

**3.** The purposes of the College shall be—

Objects.

(a) the training of students in the fine arts, including drawing, painting, designing, modelling, and sculpture, and in all branches of the applied arts in the more artistic trades and manufactures; and

Training  
students and  
teachers in  
art.(b) the training of teachers in the fine and applied arts.  
R.S.O. 1927, c. 342, s. 3.

**4.** The control and management of the College shall continue to be vested in the council as a body corporate by the name of the "Council of the Ontario College of Art." R.S.O. 1927, c. 342, s. 4.

**5.**—(1) The Council shall be composed as follows:How com-  
posed.

(a) The Lieutenant-Governor in Council shall appoint thirteen members; and

Who to  
appoint  
members.(b) The Art Museum, the Ontario Society of Artists, the Graphic Arts Society, the Applied Art Society, the Ontario Association of Architects, the Toronto Camera Club, the Women's Art Association, the Canadian National Exhibition, the Trades and Labour Council of the City of Toronto, the Canadian Manufacturers' Association, the Association of Canadian Advertising Agencies, and the Senate of the University of Toronto shall each appoint one member.  
R.S.O. 1927, c. 342, s. 5 (1); 1932, c. 42, s. 26.Certain  
bodies to  
appoint one  
member  
each.

Vacancies. (2) In case a vacancy occurs amongst the members provided for under clause *a* of subsection 1, the Council may, by petition to be presented through the Minister, request the appointment of some person to fill the vacancy.

Vacancies. (3) Where a vacancy occurs amongst the members appointed under clause *b* of subsection 1, it shall be filled by the body or association which appointed the member whose seat has become vacant.

Term of office of members filling vacancy. (4) Every person appointed to fill a vacancy shall hold office for the remainder of the term for which the member whose seat he is appointed to fill was appointed.

Vacating seat for absence. (5) If a member of the council absents himself from three consecutive meetings without being authorized by resolution entered upon the minutes, he shall *ipso facto* vacate his seat. R.S.O. 1927, c. 342, s. 5 (2-5).

Failure to appoint representatives. **6.** If a corporation or association whose representation is provided for in subsection 1 of section 5, does not avail itself of the right to make an appointment or fill a vacancy after notification thereof by the Council, or if any such corporation or association ceases to exist, the members of the Council then in office may elect other representatives of art interests in their place and stead who are not members of any corporation or association whose representation is provided for in subsection 1 of section 5. R.S.O. 1927, c. 342, s. 6.

Dates when appointments to be made. **7.** Appointments to the Council shall be made during the month of September in every year. R.S.O. 1927, c. 342, s. 7.

Meetings. **8.** The Council shall meet at least four times in every year, and one of such meetings, to be called the annual meeting shall be held in the month of November, upon such date as may be fixed by the by-laws of the Council. R.S.O. 1927, c. 342, s. 8.

Quorum. **9.** Seven members of the Council shall form a quorum. R.S.O. 1927, c. 342, s. 9.

Officers. **10.** The Council shall elect at its annual meeting from among its members a chairman, vice-chairman, and an honorary treasurer. R.S.O. 1927, c. 342, s. 10.

Who to preside. **11.** The chairman, or in his absence the vice-chairman, shall preside at all meetings, and if neither the chairman or vice-chairman is present, the members present shall choose a chairman of the meeting from among themselves. R.S.O. 1927, c. 342, s. 11.

**12.** The Council shall have the control and government <sup>Control of College.</sup> of the College and shall appoint a principal, staff and servants, and shall fix their remunerations and determine their duties. R.S.O. 1927, c. 342, s. 12.

**13.** The principal of the College shall be the chief execu- <sup>Principal to be chief executive officer.</sup> tive officer, and subject to the regulations of the Council shall control the organization and management of the College. R.S.O. 1927, c. 342, s. 13.

**14.** At its annual meeting the Council shall appoint for <sup>Council to appoint auditors.</sup> the ensuing year one or more auditors, who shall be chartered accountants, and whose duties shall be to examine all books, accounts and vouchers of the Council and report on them at the next annual meeting. R.S.O. 1927, c. 342, s. 14.

**15.** Subject to the by-laws of the Council determining <sup>Diplomas and certificates.</sup> the courses of study and examinations, the Council may confer upon students of the College the diploma of "Associate of the Ontario College of Art," and the right to affix the letters "A.O.C.A." after their names and may also issue other certificates of proficiency as may be provided for by the by-laws. R.S.O. 1927, c. 342, s. 15.

**16.** The College may be affiliated with the University of <sup>Affiliation with University.</sup> Toronto and in that case may make such arrangements as may be considered expedient for the use of common instruction and the granting of degrees. R.S.O. 1927, c. 342, s. 16.

**17.** The Council may arrange with the Department of <sup>Arrangements with Department of Education.</sup> Education of Ontario for courses and examinations for teachers of art and supervisors of art instructors in the schools of the Province. R.S.O. 1927, c. 342, s. 17.

**18.** The Council may make by-laws providing for,— <sup>By-laws.</sup>

- (a) the dates at which meetings shall be held; <sup>Dates of meetings.</sup>
- (b) the conduct of meetings and the establishment of <sup>Procedure.</sup> committees and the conduct of their business;
- (c) prescribing the courses of study and examination and <sup>Courses of study, fees, etc.</sup> the fees payable by students;
- (d) regulations for the awarding of diplomas and other <sup>Diplomas.</sup> certificates of the College;
- (e) the establishment of scholarships and the <sup>Scholarships and exhibitions of work.</sup> exhibition of the work of the students, and generally to do all things necessary for carrying out the true object and intent of the College. R.S.O. 1927, c. 342, s. 18.

Grants from  
municipalities.

**19.** The corporation of any municipality may make grants in aid of the College of such sums as the Council of the municipality may deem expedient, and may make provision for the maintenance of pupils at the College who reside in or are the children of residents of the municipality. R.S.O. 1927, c. 342, s. 19.

Powers to  
hold or dis-  
pose of  
property.

**20.** The Council may purchase, acquire, take by gift, devise or bequest and hold such real and personal property as it may deem necessary for the purposes of the College, and may mortgage, sell and otherwise dispose of the same as occasion may require. R.S.O. 1927, c. 342, s. 20.

Agreement  
between  
College of  
Art and Art  
Gallery of  
Toronto  
confirmed.

**21.** The agreement set out in schedule A dated the 12th day of May, 1920, and made between the Art Gallery of Toronto and the Council of the Ontario College of Art is confirmed and declared to be legal, valid, and binding, and the respective parties thereto are authorized to do all acts necessary to carry out such agreement, and the same shall have effect, anything in any general or special Act, or in any municipal by-law or any contract or agreement heretofore entered into to the contrary notwithstanding. R.S.O. 1927, c. 342, s. 21.

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## SCHEDULE A.

Memorandum of agreement made this 12th day of May, A.D. 1920.

Between

The Art Gallery of Toronto, hereinafter called the "Art Gallery,"  
party of the first part;

and

The Council of the Ontario College of Art, hereinafter called  
the "Council," party of the second part.

Whereas the Art Gallery is in occupation of certain lands in the City of Toronto owned by it for its corporate purposes and objects;

And whereas among the objects of the incorporation of the Art Gallery was the education of those desirous of applying themselves to the study of art;

And whereas the Council is authorized to undertake the training of students in the fine arts, including drawing, painting, designing, modelling, sculpture, and the training of teachers in the fine and applied arts;

And whereas the Council is desirous of obtaining a site to erect the necessary buildings for the purpose of carrying out its said objects;

And whereas the Art Gallery is desirous of affording facilities to the Council for carrying out its said objects;



It is agreed by and between the parties hereto as follows:—

1. The Council may erect upon such portion of the lands now occupied by the Art Gallery in the City of Toronto and coloured red on the plan hereunto annexed, being the plan of survey made by Speight and Van Nostrand, O.L.S.S., a building for the purpose of carrying on the training of students in the fine arts, including drawing, painting, modelling and sculpture and in all branches of applied arts and the more artistic trades and manufactures, and the training of teachers in the fine and applied arts.

2. The building to be so erected shall be of such design as shall be approved by an architect appointed by the Art Gallery.

3. If the Council shall at any time hereafter be dissolved or cease to carry on the work of the College as set out in paragraph 1 of this agreement, the right to occupy such building and the lands upon which the same may be erected shall cease and determine and the Council shall not be entitled to claim from the Art Gallery any compensation therefor.

4. So long as the building to be so erected shall be used by the Council for the purposes hereinbefore set forth, the Council, its teachers, pupils, officers, servants and workmen shall at all times have suitable access to the buildings to be so erected through and over the lands owned or controlled by the Art Gallery.

5. The Council shall at all times maintain the buildings erected by it in good condition and repair.

R.S.O. 1927, c. 342, Sched. A.

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## CHAPTER 378.

## The Royal Ontario Museum Act.

Interpre-  
tation.  
"Univer-  
sity."

**1.** In this Act "University" shall mean University of Toronto. R.S.O. 1927, c. 343, s. 1.

Provincial  
Museum.

**2.** There shall be established at the City of Toronto a Provincial Museum to be called "The Royal Ontario Museum." R.S.O. 1927, c. 343, s. 2.

Objects.

**3.** The purposes of the Museum shall be,—

- (a) the collection and exhibition of objects of every kind calculated to illustrate the natural history of Ontario, and thereby to aid in a knowledge of what it is able to contribute to science and industry;
- (b) the collection and exhibition of objects of any kind calculated to illustrate the natural history of the world and the history of man in all ages;
- (c) such other objects as may be authorized by the Lieutenant-Governor in Council. R.S.O. 1927, c. 343, s. 3.

Board of  
Trustees.

**4.** The control and management of the Museum shall be vested in a Board of Trustees and the Board shall be a body corporate by name of The Royal Ontario Museum, and is hereinafter referred to as "the Board." R.S.O. 1927, c. 343, s. 4.

Number of  
members.

**5.** The Board shall consist of ten members including the *ex officio* members. R.S.O. 1927, c. 343, s. 5.

*Ex officio*  
members.

**6.** The Minister of Mines, the Minister of Education and the Chairman of the Board of Governors of the University shall be *ex officio* members of the Board, and the other seven members shall be appointed, four by the Lieutenant-Governor in Council and three by the Governors of the University. R.S.O. 1927, c. 343, s. 6.

Appointed  
members,  
term of  
office.

**7.** The appointed members of the Board shall hold office for three years and until their successors are appointed. R.S.O. 1927, c. 343, s. 7.

**8.** Vacancies in the Board shall be filled in the case of <sup>Vacancies in Board.</sup> members appointed by the Lieutenant-Governor in Council by the Lieutenant-Governor in Council, and in the case of members appointed by the Governors of the University by the Governors, and any person appointed to fill a vacancy shall hold office for the remainder of the term for which the member whose seat he is appointed to fill was appointed. R.S.O. 1927, c. 343, s. 8.

**9.** The Board shall elect annually from its members a <sup>Chairman and vice-chairman.</sup> chairman and a vice-chairman. R.S.O. 1927, c. 343, s. 9.

**10.** The Lieutenant-Governor in Council may from time <sup>Appointment of honorary members.</sup> to time appoint honorary members of the Board to act in an advisory capacity and to perform such duties and exercise such powers as may be defined by Order-in-Council. R.S.O. 1927, c. 343, s. 10.

**11.** The Board may purchase, acquire, take by devise and <sup>Real property.</sup> hold such real property as it may deem necessary for the purposes of the Museum, and may with the sanction of the Lieutenant-Governor in Council mortgage, sell and dispose of the same as occasion may require. R.S.O. 1927, c. 343, s. 11.

**12.** The land hereinafter mentioned which was on the 16th <sup>Lands vested in Board.</sup> day of April, 1912, vested in the Governors of the University shall be vested in the Board for the purposes of a site for the Museum that is to say: Lots numbers 1 and 2 on the south side of Bloor Street in the City of Toronto, according to registered plan, Number 452E, made by Messieurs Speight and Van Nostrand, Ontario land surveyors, for the Governors of the University of Toronto, subject to the right which is hereby reserved, to the Governors of the University of Toronto, their successors and assigns at all times to maintain and operate the tunnels passing through the said land and the works connected therewith constructed for the purpose of their power plant and to keep them in repair, and the right at all times as occasion may require to enter upon the said land and the buildings thereon for the purpose of inspecting, maintaining and repairing such tunnels and works and to do all things which may be necessary or convenient for that purpose. R.S.O. 1927, c. 343, s. 12.

**13.** The Governors of the University and the governing <sup>Donation to Board.</sup> body of any university or college federated or affiliated with the University and any corporation may donate to the Board, or may transfer to it on such terms and conditions as may

be agreed on, any objects of the character mentioned in section 3 which are possessed by the University, College or corporation. R.S.O. 1927, c. 343, s. 14.

Royal  
Ontario  
Museum  
authorized  
to borrow.

**14.**—(1) The Royal Ontario Museum may borrow from time to time moneys for the purchase of such land and the erection of such buildings for the purposes of the Museum, including additions to, improvements of and equipment for buildings now or hereafter erected, as may be deemed necessary or expedient, and may issue securities therefor in the form of bonds, debentures, terminable annuities or otherwise as the Lieutenant-Governor in Council may direct or authorize.

Government  
may  
guarantee  
loans.

(2) The Lieutenant-Governor in Council shall have the like power as to guaranteeing the securities issued under subsection 1 as in the case of securities issued by the Board of Governors of the University of Toronto, and every guaranty given under this subsection shall have the same effect as in the case of a guaranty issued for the securities of the said University. 1928, c. 21, s. 23.

Cost of  
mainten-  
ance, how  
borne.

**15.**—(1) The cost of the maintenance of the Museum shall be borne one-half by the Province and one-half by the Governors of the University.

Cost of  
mainten-  
ance, what  
to include.

(2) The cost of the maintenance of the Museum shall include the cost of purchasing materials for and other expenses incurred in manufacturing and setting up, and of purchasing and setting up, tables and cases for mounting and enclosing objects for exhibition in the Museum and such other expenditures not ordinarily included in the cost of maintenance as the Lieutenant-Governor in Council may from time to time declare to form part of such cost.

Annual  
estimate  
and pay-  
ment by  
Government  
thereon.

(3) The Board shall in each year prepare and submit to the Lieutenant-Governor in Council an estimate of the amount required to be expended in that year for the maintenance of the Museum, and the Lieutenant-Governor in Council may direct that one-half of such estimated amount be paid to the Board out of the Consolidated Revenue Fund in half-yearly instalments in advance of the 15th days of January and July, to be accounted for by the Board after the expiration of the year, when, if the actual expenditure is found to be less than the estimated expenditure, the overpayment shall be made good to the Province by the Board, and if it is found to be greater one-half of the excess shall be paid to the Board out of the Consolidated Revenue Fund. R.S.O. 1927, c. 343, s. 16.



**16.** The Board shall be deemed to be a department of the Government within the meaning of section 13 of *The Public Works Act*, and for the purposes of that Act. R.S.O. 1927, c. 343, s. 17. Application of Rev. Stat. c. 54.

**17.** All property vested in the Board shall be exempt from taxation for municipal, school and other purposes. R.S.O. 1927, c. 343, s. 18. Exemption from taxation.

**18.** The Board may make by-laws, rules and regulations for the management of the Museum and for the appointment of officers and servants, and such other by-laws as may be deemed necessary for carrying out the objects of this Act and the purposes for which the Museum is established. R.S.O. 1927 c. 343 s. 19. By-laws, rules and regulations.

**19.** The by-laws of the Board may provide that the departments of the Museum be designated "The Royal Ontario Museum of (*designating the department*)" and that the person having the supervision of a department be called the Director of it, and may determine what shall constitute a department within the meaning of this section. R.S.O. 1927, c. 343, s. 20. Designation of departments.

**20.** A certified copy of every such by-law, rule or regulation shall be transmitted to the Provincial Secretary within ten days after the passing of it, and the same or any part of it may within one month after such transmission be annulled by the Lieutenant-Governor in Council. R.S.O. 1927, c. 343, s. 21. Annulment of rules by Lieut.-Gov. in Council.

**21.—**(1) The accounts of the Board shall be audited at least once a year by the Provincial Auditor or by some person appointed by the Lieutenant-Governor in Council for that purpose. Accounts, audit.

(2) The Board shall make an annual report of its transactions to the Lieutenant-Governor in Council, in which shall be set forth in detail the receipts and expenditures for the year ended on the next preceding 30th day of June, and of the investments as they stood at the end of such year, and such other particulars as the Lieutenant-Governor in Council may from time to time require. Report on receipts, expenditures. And on investments.

(3) Such report shall be transmitted to the Provincial Secretary on or before the 1st day of December next after the close of the year for which it is made, and shall be laid before the Assembly within the first ten days of its then next session. R.S.O. 1927, c. 343, s. 22. When to be transmitted.

## SECTION XVI.

### RELIGIOUS MATTERS.

#### CHAPTER 379.

#### The Religious Institutions Act.

Appoint-  
ment of  
trustees to  
take con-  
veyances  
for site of  
a church,  
etc.

Powers of  
trustees.

Description  
of trustees  
in convey-  
ances.

Provision  
for change  
of name.

Convey-  
ance of  
additional  
lands to  
trustees.

**1.**—(1) Where a religious society or congregation of Christians desires to take a conveyance of land for the site of a church, chapel, meeting-house, burial-ground, residence for a minister, book-store, printing or publishing office or for any other religious or congregational purpose, such society or congregation may appoint trustees to whom, and their successors, to be appointed in such manner as may be specified in the conveyance, the land requisite for all or any of such purposes may be conveyed, and such trustees and their successors in perpetual succession, by the name expressed in the conveyance, may take, hold and possess the land and maintain and defend actions for the protection thereof and of their property therein.

(2) The conveyance to the trustees may be made to them under a collective name, and it shall not be necessary to set out their individual names as parties thereto, provided such names be set out or appear therein by recital or otherwise, and this shall apply to conveyances heretofore made as well as to those hereafter to be made.

(3) If the name by which any such religious society or congregation or trustees therefor have heretofore held or hereafter hold land under and pursuant to the powers of this Act has been or shall be changed by such religious society or congregation by by-law or resolution such change of name shall not prejudice or affect the title of the society or congregation or their trustees to the land. R.S.O. 1927, c. 344, s. 1.

**2.** Where trustees appointed as provided in section 1 hold land for the purposes aforesaid or any of them and the religious society or congregation for which they hold the land desire to take a conveyance of additional land for any of such pur-

poses, whether such additional land adjoins the land already held or not, and such religious society or congregation desires the same to be held by the same trustees, the society or congregation may by resolution direct that such land be conveyed to the trustees by their collective name and upon the conveyance being so made the land shall vest in the trustees for the purposes declared by the conveyance and shall be subject to the provisions of this Act in the same manner as the other land held by the trustees. R.S.O. 1927, c. 344, s. 2.

**3.**—(1) Any congregation or society of Christians entitled to the benefit of any land held under the provisions of this Act, or otherwise, may by a resolution passed by a two-thirds vote of the persons entitled to vote in respect of the appointment of trustees increase or decrease the number of trustees by the conveyance or otherwise to be appointed for the purpose of holding such land, or may in like manner fix the number of trustees if the conveyance makes no provision as to their number.

Power to vary number of trustees.

(2) No such resolution shall be passed unless at a meeting of which notice has been given in the manner required for a meeting for the election of trustees for such land, stating that a proposal for increasing or decreasing or determining, as the case may be, the number of the trustees, will be considered at the meeting.

Notice, meeting and resolution.

(3) If the resolution provides for the appointment of more trustees than are authorized by the conveyance, or more than there are in fact if the number is not limited by the conveyance, the same shall take effect forthwith, and the additional trustees to be appointed may be elected at the meeting at which the resolution is passed or at a subsequent meeting.

Time when resolution for increase in number to take effect.

(4) If the resolution provides for a smaller number of trustees than the conveyance provides for the resolution shall not take effect until vacancies occur, by death or otherwise, reducing the number of trustees to the number provided for by the resolution, and no other trustee shall be appointed until the number has been reduced below the number authorized by the resolution. R.S.O. 1927, c. 344, s. 3.

Time when resolution for reduction in number to take effect.

**4.**—(1) Where a debt has heretofore been or is hereafter contracted for the building, repairing, extending or improving of a church, chapel, meeting-house, residence for a minister, book-store, printing or publishing office or other building on land held by trustees for the benefit of any society or congregation in Ontario, or for the purchase of the land on which the same has been or is intended to be erected, the

Power to mortgage.

trustees, or a majority of them, may secure the debt or any part thereof by a mortgage upon the land, or may borrow money to pay the debt or part thereof and may secure the repayment of the loan and interest by a like mortgage upon such terms as may be agreed upon.

Where church building is not erected on land held by trustees.

(2) The authority conferred by this section shall extend to any land so held, although the church or other building in respect of which the debt is contracted is not erected on such land. R.S.O. 1927, c. 344, s. 4.

Power to join in mortgage of lands held under separate conveyances.

**5.** In the case of separate, but contiguous parcels of land held under separate conveyances by trustees for the same religious society or congregation under this Act, if such parcels of land be so used, occupied, or built upon as to become indivisible except by the removal, alteration, or destruction, in whole or in part, of such user, occupation or building, the trustees of such parcels may join in any mortgage authorized by section 4. R.S.O. 1927, c. 344, s. 5.

Power to lease.

**6.—(1)** The grantees in trust named in any letters patent from the Crown, or the survivors or survivor of them, or the trustees for the time being appointed in manner prescribed in the letters patent, whereby land is granted for the use of a religious society or congregation and any other trustees for the time being entitled by law to hold land in trust for the use of a religious society or congregation may lease for any term not exceeding twenty-one years land so held by them at such rent and upon such terms as the trustees or a majority of them deem reasonable.

Power to agree in leases to renew.

(2) In such lease the trustees may covenant or agree for the renewal thereof at the expiration of any or every term of years for a further term of twenty-one years or a less period at such rent and on such terms as may then by the trustees for the time being be agreed upon with the lessee, his heirs, executors, administrators or assigns, or may consent or agree for the payment to the lessee, his executors, administrators or assigns of the value of any buildings or other improvements which may at the expiration of any term be on the demised premises, and the mode of ascertaining the amount of such rent or the value of such improvements may also be specified in the original lease.

And to pay for improvements by lessee.

Consent of society or congregation to lease.

(3) The trustees shall not so lease without the consent of the society or congregation for whose use they hold the land in trust, and such consent shall be signified by the votes of a majority of the members present at a meeting of the society or congregation duly called for the purpose; nor shall the



trustees lease any land which at the time of making the lease is necessary for the purpose of erecting a church or place of worship or other building thereon or for a burial ground for the society or congregation.

Restrictions upon leasing.

(4) The trustees may, in their own names or by any name by which they hold the land, sue or distrain for rent in arrear, and may take all such means for the recovery thereof as landlords are entitled to take. R.S.O. 1927, c. 344, s. 6.

Remedies of trustees for rent in arrear.

7.—(1) Where land held by trustees for the use of a society or congregation becomes unnecessary to be retained for such use and it is deemed advantageous to sell it, the trustees for the time being may give public notice of an intended sale, specifying the premises to be sold and the time and terms of sale, and after publication of the notice once in each week for four successive weeks in a daily or a weekly newspaper published in or near the place where the land is situate they may sell the land at public auction according to the notice, but the trustees shall not be obliged to sell if in their judgment an adequate price is not offered.

Power to sell.

By auction.

(2) The trustees may thereafter sell the land either by public or private sale, but a less sum shall not be accepted at private sale than was offered at the public auction without the consent of the society or congregation.

Private sale.

(3) This section shall not affect or vary any special powers or trusts for sale contained in any deed or instrument inconsistent herewith. R.S.O. 1927 c. 344, s. 7.

Special powers not affected.

8.—(1) Where at a meeting of a society or congregation duly called in accordance with the statutes, by-laws, rules and regulations governing the same, it has been proposed to sell, exchange or otherwise deal with any land held by trustees for the use of such society or congregation, and the society or congregation has by resolution approved of the proposed method of dealing with such land, or some part thereof, and the price to be paid or property to be accepted in exchange therefor, and all other terms and conditions of such sale, exchange, or other disposition, it shall not be necessary for the trustees to give any other notice or to offer the land for sale by public auction, as provided in section 7, but the trustees may make a conveyance or other disposition of the land dealt with in accordance with the terms and conditions of such resolution.

Sale or exchange of property held by trustees.

(2) In the absence of any rule or regulation defining what notice shall be given of any meeting of such society or congregation, such meeting shall be properly called upon three days' notice given by announcement from the pulpit or by

Notice of meeting.

written notice posted up upon the door of the church and in the nearest schoolhouse or post office for three days before such meeting. R.S.O. 1927, c. 344, s. 8.

Conveyance  
to trustees  
of new con-  
gregation.

**9.**—(1) Where land is held by trustees for the use of a religious society or congregation and a separate society or congregation is formed therefrom, the trustees for the time being may convey to the trustees of such separate society or congregation such part of the land as is no longer required for the use of the society or congregation for the use of which it is so held, but no such conveyance shall be made unless and until the assent thereto of such last mentioned society or congregation has been first obtained or the conveyance is sanctioned in the manner provided by section 12.

As to such  
conveyance  
heretofore  
executed.

(2) Every conveyance heretofore executed to any such separate society or congregation and so assented to or sanctioned shall be as valid and binding as if subsection 1 had been in force at the time such assent or sanction was given and such conveyance was executed; but this subsection shall not apply to a conveyance which is in question in an action pending on the 7th day of March, 1910, or which has heretofore been determined to be invalid or affect any adverse right or title acquired before that date. R.S.O. 1927, c. 344, s. 9.

Conveyance  
where con-  
gregations  
unite.

**10.**—(1) Where land is held by trustees for the use of any religious society or congregation and such society or congregation desires to unite with another society or congregation of the same denomination, the trustees for the time being may convey any land held by them to the trustees of such last mentioned society or congregation or of the united society or congregation, but no such conveyance shall be made unless and until it is assented to or sanctioned in the manner provided by section 12.

Conveyances  
heretofore  
made.

(2) Every such conveyance heretofore made shall be as valid and binding as if subsection 1 had been in force at the time such assent or sanction was given and such conveyance was made. R.S.O. 1927, c. 344, s. 10.

Conveyance  
to denom-  
inational  
board.

**11.** The trustees of any religious society or congregation may convey the land belonging to such society or congregation to any incorporated board of the denomination of which such society or congregation forms part, but no such conveyance shall be made unless and until the assent thereto of such society or congregation has been first obtained or the conveyance is sanctioned in the manner provided by section 12. R.S.O. 1927, c. 344, s. 11.

**12.**—(1) Before any conveyance is executed in pursuance of a public or private sale, the society or congregation for whose use the land is held shall be duly notified thereof, and its assent obtained to the execution of the deed, and such assent shall be signified by the votes of a majority of the members present at a meeting of the society or congregation duly called for the purpose. Consent of society or congregation to sale.

(2) Such assent shall be held in favour of the grantee, his heirs and assigns to be conclusively attested by the execution of the deed by the chairman at such meeting, or by the official head of such society or congregation, or by some person appointed at such meeting for the purpose, and the person assuming to execute the deed as chairman, official head or appointee shall be deemed to be such chairman, official head or appointee, as the case may be. Evidence of.

(3) Instead of such assent, it shall be sufficient for the validity of any such conveyance that the sale be sanctioned and the conveyance approved of by the judge of the county or district court of the county or district in which the land is situate. R.S.O. 1927, c. 344, s. 12. Approval by county judge.

**13.**—(1) Any society or congregation on whose behalf land is now, has been or hereafter may be held by a trustee or trustees, without the manner of appointing successors being set forth in the grant, conveyance, or devise of such land, or which is or may be entitled to any land, at any time hereafter may assemble in a public meeting duly convened by notice in writing, signed by at least five members of such society or congregation, and affixed to the door of its place of worship, at least eight days previous to the day appointed for holding such meeting, and at such meeting, by the votes of a majority of the members present, may determine in what manner the successors to such trustee or trustees shall be appointed, or may appoint a trustee or trustees of any land to which the society or congregation is entitled, and determine in what manner their successors in the trust shall be appointed. Mode of appointing trustees' successors.

(2) Any land to which the society or congregation is entitled shall from time to time vest in and be held by the trustee or trustees to be appointed as hereinbefore mentioned, and their successors in the trust, immediately upon the registration of the proceedings without any or further conveyance or instrument. R.S.O. 1927, c. 344, s. 13. Effect of registration of proceedings.

**14.** Where members or adherents in any locality of two or more religious societies desire to build a house for public worship, it shall be lawful for each of the societies respectively to appoint from time to time one trustee in the manner and The case of two societies desiring to build a house of worship.

form prescribed in this Act, and the trustees of the religious societies so united shall have the like powers as are conferred on trustees under this Act, and no others, and as to any act, deed or thing to be done or made by trustees under this Act which requires the sanction or assent of the society or congregation, the trustees under this section shall obtain the sanction or assent of each and every of the religious societies so united, to be ascertained and signified in the manner hereinbefore mentioned. R.S.O. 1927, c. 344, s. 14.

Record of  
proceedings.

Deposit and  
registry  
thereof.

Copy as  
evidence.

**15.**—(1) A record of the proceedings of every meeting held under this Act shall be entered in the minute book or other official register of the acts and proceedings of the society or congregation, and shall be signed by the chairman and secretary thereof, and shall thereafter be deposited of record among the archives of the society or congregation, and a copy of such record verified by the affidavit of the chairman or secretary of the meeting may be recorded in the registry office of the registry division in which the land is situate.

(2) A copy of such proceedings taken from the minute book or other official register of the society or congregation and certified by the clerk or custodian of the records of the society or congregation, or a copy certified by the registrar of the registry division wherein the same has been registered, shall be *prima facie* evidence of the contents thereof. R.S.O. 1927, c. 344, s. 15.

Duty of  
trustees as  
to account-  
ing.

**16.** Trustees selling or leasing land under the authority of this Act shall on the first Monday in July in every year have ready and open for the inspection of the society or congregation which they represent, or of any member thereof, a detailed statement showing the rents which accrued during the preceding year, and all sums of money whatever in their hands for the use and benefit of the society or congregation which were in any manner derived from the land under their control or subject to their management, and also showing the application of any portion of the money which has been expended on behalf of the society or congregation. R.S.O. 1927, c. 344, s. 16.

This Act  
not to affect  
special Acts  
as to  
religious  
bodies.

**17.** This Act shall not repeal, alter, affect or vary any of the provisions in any special Act contained with reference to any religious society or congregation, but, on the contrary, any of such provisions which differ from or are inconsistent with any of the provisions of this Act shall prevail, and where any additional rights or privileges are conferred by this Act, they shall be construed as supplementary to the provisions con-



tained in any such special Act, and in every case the special trusts or powers of trustees contained in any deed, conveyance or other instrument shall not be affected or varied by any of the provisions of this Act. R.S.O. 1927, c. 344, s 17.

**18.**—(1) Whenever any two or more parcels of land adjoining each other, or in the same neighbourhood, are held as sites for burial grounds, by different bodies of trustees, whether of the same or different denominations, societies or congregations, and such trustees think it desirable that such parcels should be vested in one body of trustees, such two or more bodies of trustees, or the majority of each of such bodies, may by deed appoint trustees to whom and their successors, to be appointed in such manner as may be specified in such deed, all or any of the land vested in such appointing bodies of trustees as sites for burial grounds may be conveyed, and such trustees so appointed and their successors in perpetual succession by the name expressed in the deed may take, hold and possess the land thereby or thereafter conveyed to them as a site or sites for a burial ground, and maintain and defend actions for the protection thereof and of their property therein, and the several appointing bodies of trustees may, in or by the same deed of appointment or by any other deed or deeds, convey and assure all or any of the parcels of land so vested in them respectively to such trustees so appointed and their successors upon, with and subject to such trusts, powers, limitations and provisions not inconsistent with the purposes of a burial ground as shall by the parties thereto be deemed proper.

Power to  
appoint  
joint  
trustees for  
two or more  
burial  
grounds  
which ad-  
join each  
other.

(2) No such deed of appointment of trustees and no such conveyance or assurance shall be made or executed by any body, or the majority of any body, of trustees unless or until the society or congregation for whose use the land is held is duly notified thereof, and its assent obtained to the execution of such deed of appointment, or of such conveyance or assurance, and such assent shall be signified by the votes of a majority of the members present at a meeting of the society or congregation duly called for the purpose.

Assent of  
congrega-  
tion or  
religious  
body  
required.

(3) Such assent shall be held in favour of such new trustees and their successors to be attested by the execution of the deed by the chairman at such meeting, or by the official head of such society or congregation, or by some person appointed at such meeting for the purpose, and the person assuming to execute the deed as chairman, official head, or appointee shall be presumed to be such chairman, official head, or appointee, as the case may be. R.S.O. 1927, c. 344, s. 18.

Evidence of  
assent.

Rights ex-  
tended to  
the Church  
of England.

**19.**—(1) All the rights, powers, and privileges, conferred upon any society or congregation by this Act shall extend and apply to the Church of England in Ontario, formerly or otherwise called the United Church of England and Ireland in Canada, or the United Church of England and Ireland in Upper Canada, or the Church of England in Upper Canada.

Incumbent  
and church  
wardens to  
be trustees.

(2) The parson or other incumbent of the church for the time being and the churchwardens thereof shall, for the purposes of this Act, be deemed to be trustees within the meaning thereof.

Bishop, etc.,  
to be trus-  
tees under  
3 Vict.,  
c. 74, s. 16.

(3) In cases within section 16 of the Act passed in the third year of the reign of Her late Majesty Queen Victoria, chaptered 74, and intituled *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned*, the bishop, or parson, rector or incumbent or any successor or other person in whom the legal title or estate is vested, by, from or under any of them, shall also be deemed to be a trustee by whom the like rights and powers of trustees may be exercised as in the case of such trustees.

Property  
vested in  
the bishop  
in trust.

(4) In cases of property vested in the bishop of any diocese in trust, not covered by subsection 3, the bishop shall also be deemed to be a trustee by whom the like powers of trustees under this Act may be exercised as in the case of such trustees.

Property  
vested in  
the synod  
in trust  
within 7  
Vict., c. 68  
and 32 Vict.,  
c. 51.

(5) In cases of property vested in the synod of any diocese within the Act passed in the seventh year of the reign of Her late Majesty Queen Victoria, chaptered 68, intituled *An Act to Incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto*, and the Act passed in the thirty-second year of the reign of Her late Majesty Queen Victoria, chaptered 51, intituled *An Act to Incorporate the Synod of the Diocese of Toronto, and to Unite the Church Society of the Diocese of Toronto therewith*, the synod shall also be deemed to be a trustee by whom the like rights and powers of trustees under this Act may be exercised as in the case of such trustees, and the powers of the synod under this subsection may be exercised by and through such boards and committees as the synod may by by-law appoint for that purpose.

How land  
may be  
sold or in-  
cumbered,  
consent  
requisite.

(6) Provided that land shall not be sold or leased, mortgaged or otherwise incumbered under the powers conferred by this Act except with the consent of the vestry of the church or congregation interested therein and of the bishop of the diocese and the executive committee of the synod of the diocese, and it is hereby declared that the consent of the vestry given in accordance with the rules and canons of such church shall

be deemed to be the consent of the congregation, and the execution of the conveyance by the bishop and by the secretary or secretaries of the synod, or a memorandum of consent indorsed thereon and signed by them, shall, in favour of the grantee, his heirs and assigns, be conclusive evidence of the consent of the bishop and executive committee. R.S.O. 1927, c. 344, s. 19.

**20.** All the rights and privileges conferred upon any religious society or congregation mentioned in section 1 shall extend in every respect to the Roman Catholic Church, to be exercised according to the government of that Church. R.S.O. 1927, c. 344, s. 20.

**21.** All the rights and privileges conferred upon any religious society or congregation mentioned in section 1 have been, since the 7th day of April, 1891, and are hereby extended to and shall apply to any society or congregation of Jews professing the Jewish religion. R.S.O. 1927, c. 344, s. 21.

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## SECTION XVII.

## PUBLIC INSTITUTIONS.

## CHAPTER 380.

## The Public Institutions Inspection Act.

Interpreta-  
tion.

"Minister."

"Penal and  
reformatory  
institution."Rev. Stat.,  
cc. 382, 383,  
384, 387, 266,  
388."Regula-  
tions."Present  
regulations  
continued.Appoint-  
ment of  
inspectors.Special  
inquiry by  
inspector.

## 1. In this Act,—

(a) "Minister" shall mean the member of the Executive Council for the time being charged with the administration of this Act;

(b) "Penal and reformatory institution" shall mean and include a reformatory established under *The Reformatory Act*, The Andrew Mercer Reformatory established under *The Andrew Mercer Reformatory Act*, an industrial refuge established under *The Female Refuges Act*, an industrial farm established under *The Industrial Farms Act*, a gaol or lock-up established under *The Municipal Act* or under *The Gaols Act* and any other prison, reformatory, industrial farm, gaol, or other institution or place for confinement or detention of prisoners and other persons charged with or convicted of any offence against the laws of Canada or Ontario, in respect to which by any general or special Act of Canada or Ontario this Act may be made applicable;

(c) "Regulations" shall mean regulations made under this Act. 1931, c. 80, s. 2; 1937, c. 72, s. 50.

2. The regulations heretofore made governing or relating to penal and reformatory institutions are confirmed and shall continue in force until altered or repealed by regulations made under this Act or any other Act. 1931, c. 80, s. 3; 1935, c. 39, sched.

3. The Lieutenant-Governor in Council may appoint inspectors of penal and reformatory institutions with such designations or titles as he may deem expedient. 1931, c. 80, s. 4; 1935, c. 39, sched.

4.—(1) Where an inspector is authorized by the Minister to institute an inquiry into the management or affairs of any



penal or reformative institution, or into any matter in connection therewith, or into the truth of any returns made by any officer thereof and deems that any person should give evidence before him on oath, the inspector shall have the same power to summon such person to attend as a witness, to enforce his attendance and to compel him to produce documents and to give evidence as any court has in civil cases.

(2) An inspector appointed under any other Act the administration of which is under the charge of the Provincial Secretary may when authorized by the Provincial Secretary exercise the powers conferred by subsection 1 in respect to any institution subject to such other Act. 1931, c. 80, s. 5; 1935, c. 39, sched.

**5.** The Lieutenant-Governor in Council may make regulations in respect to penal and reformative institutions as may be deemed necessary for,—

- (a) the powers and duties of inspectors appointed under the authority of this Act;
- (b) their inspection, superintendence, government, management, conduct, operation, maintenance, care and use;
- (c) their superintendents, officers, staffs, servants, and employees, and the powers and duties thereof;
- (d) the admission, care, treatment, maintenance, conduct, discipline, punishment, transfer and discharge of prisoners, inmates and other persons confined or detained in penal and reformative institutions;
- (e) their records, books, accounting systems, audits, reports and returns to be made and kept; and
- (f) generally, all other matters in any way relating to penal and reformative institutions. 1931, c. 80, s. 6; 1935, c. 39, sched.

**6.** No by-law, rule or regulation of a municipality relating to a gaol or lock-up established or maintained by it shall have force or take effect until approved by the Minister. 1931, c. 80, s. 7.

**7.** The provisions of the regulations as to the inspection of penal and reformative institutions and the provisions of *The Gaols Act* as to the construction and repair of gaols shall, so far as may be, apply to court houses and lock-ups. 1931, c. 80, s. 8.

Regulations.

Municipal regulations for gaols.

Application of gaol regulations to court houses. Rev. Stat. c. 388.

Limitation  
of actions,  
etc.

**8.** All actions and prosecutions against any person for anything done in pursuance of this Act shall be commenced within six months after the fact committed and not afterwards. 1931, c. 80, s. 9.

Designation  
of depart-  
mental  
officer.

**9.** The Minister may from time to time designate the officer or officers of his department who, subject to his direction, shall exercise the powers and duties conferred by statute or by the Lieutenant-Governor in Council upon the department or any officer or officers thereof or upon any officer of any other department in respect to any statute the administration of which is for the time being under the charge or assigned to the Minister and his department. 1931, c. 80, s. 10.

Powers of  
designated  
officer for  
transfers of  
prisoners,  
patients,  
etc.

**10.**—(1) Notwithstanding anything in this or any other Act contained, the Minister may designate the officer of his department who shall control and direct all admissions to penal and reformatory institutions and who may, if permitted by law, from time to time remove or transfer any prisoner, inmate or other person confined or detained therein from any such institution to any other such institution. 1931, c. 80, s. 11 (1).

Transfers  
to other  
institutions.  
Rev. Stat.,  
c. 392.

(2) Removals or transfers from a penal or reformatory institution to an institution under *The Mental Hospitals Act*, or *vice versa*, may, if permitted by law, be made in accordance with the regulations. 1931, c. 80, s. 11 (3); 1935, c. 39, sched.

Transfers  
to public  
hospitals.

(3) Where the Superintendent of a penal or reformatory institution reports to the officer of the said department that any prisoner, inmate or other person confined or detained in any of said institutions requires hospital treatment which cannot be supplied therein, such officer shall, if otherwise permitted by law, have authority to transfer the prisoner, inmate or other such person to a public hospital for treatment, which cannot be supplied in the institution, and the Superintendent or head shall report, in writing if possible, to the officer designated by the Minister who shall have authority to remove or transfer such prisoner, inmate or other person to any public hospital for treatment. 1931, c. 80, s. 11 (4); 1935, c. 39, sched.

Charges for  
public  
hospital  
treatment.

Rev. Stat.  
c. 390.

(4) The charges for such hospital treatment shall be paid by such prisoner, inmate or other person unless he is an indigent person in which case the charges shall be payable in the same manner as charges for indigent patients are payable under *The Public Hospitals Act*. 1931, c. 80, s. 11 (5).

## CHAPTER 381.

## The Charitable Institutions Act.

**1.** In this Act,—Interpre-  
tation.

- (a) "Charitable institution" shall mean and include a "Charitable institution." refuge, orphanage or infants' home to which provincial aid is granted;
- (b) "Department" shall mean the Department over which the Minister has charge; "Depart-  
ment."
- (c) "Inspector" shall mean an officer of the Department designated under this Act as an inspector; "Inspector."
- (d) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act; "Minister."
- (e) "Provincial aid" shall mean aid granted to a charitable institution out of moneys appropriated for the purpose by the Legislature; "Provincial  
aid."
- (f) "Regulations" shall mean any regulations made under this Act. 1931, c. 79, s. 2. "Regu-  
lations."

**2.** Nothing in this Act contained shall relate to or affect a hospital, private hospital or sanatorium under *The Public Hospitals Act*, *The Private Hospitals Act*, or *The Sanatoria for Consumptives Act*, or a house of refuge or a district house of refuge under *The Houses of Refuge Act* or *The District Houses of Refuge Act*. 1931, c. 79, s. 3. Act not to apply to certain institutions.  
Rev. Stat. cc. 390, 391, 395, 385, 386.

**3.**—(1) The several refuges, orphanages and infants' homes which under *The Hospitals and Charitable Institutions Act* received aid for the year 1930 from the Province shall for the purposes of this Act and the regulations be deemed to be charitable institutions approved under this Act. Institutions aided for 1930 approved.  
Rev. Stat., 1927, c. 359.

(2) No institution building or other premises or place shall hereafter be created, established or incorporated as a refuge, orphanage or infants' home until the same has been approved by the Lieutenant-Governor in Council as a charitable institution. Approval of new institutions.

(3) No institution building or other premises or place shall be operated or used as a refuge, orphanage or infants' home Operation of institutions to be approved.

unless and until the same is approved by the Lieutenant-Governor in Council as a charitable institution.

Suspension  
or revoca-  
tion of  
approval.

(4) Any approval given or deemed to have been given under this Act in respect to any charitable institution may be suspended by the Minister or revoked by the Lieutenant-Governor in Council. 1931, c. 79, s. 4.

Regulations.

4. The Lieutenant-Governor in Council upon the recommendation of the Minister may make such regulations in respect to charitable institutions as may be deemed necessary for,—

Creation,  
operation,  
etc.

(a) their creation, establishment, incorporation, operation, functions, objects and pursuits;

Inspection,  
manage-  
ment, etc.

(b) their inspection, control, government, management, conduct and administration;

Construc-  
tion, repair,  
etc.

(c) the construction, alteration, equipment, maintenance and repair of any buildings or premises owned, operated or used by charitable institutions;

Classifica-  
tion, etc.

(d) their classification, grades and standards;

Staffs, etc.

(e) their officers, staffs, servants, employees and agents and the powers and duties thereof;

Admission  
of, etc.,  
inmates.

(f) the admission, treatment, conduct, discipline and discharge of inmates of charitable institutions;

Rates, etc.,  
for inmates.

(g) the classification and lengths of stay of and rates and charges for inmates of charitable institutions;

Revenues  
and expendi-  
tures.

(h) the funds, revenues and expenditures of charitable institutions and the obtaining, procuring and application of such funds and revenues;

Accounting,  
etc.

(i) the records, books, accounting systems, audits, reports and returns to be made and kept by charitable institutions;

Provincial  
aid.

(j) the distribution, payment, withholding and restoration of and other matters affecting provincial aid; and

General.

(k) all other matters affecting charitable institutions. 1931, c. 79, s. 5.

Powers  
of Depart-  
ment.

5. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act and the regulations, and the Department may, from time to time, declare any or all of the regulations to be in force with respect to all charitable institutions or any specified charitable



institution or institutions or class or classes thereof and for such time or times as the Department may deem expedient. 1931, c. 79, s. 6.

**6.** The Minister with the approval of the Lieutenant-Inspectors. Governor in Council may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations, and the powers and duties of such inspectors shall be as prescribed by the regulations. 1931, c. 79, s. 7.

**7.** Every charitable institution shall have power to carry on its undertaking, objects and pursuits as may be authorized by law or by general or special Act under which it was created, established, incorporated or is empowered so to do, but where any such law of Ontario or any such general or special Act conflicts with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail. 1931, c. 79, s. 8.

**8.** No by-law, rule or regulation of any charitable institution receiving provincial aid shall have force or effect until the same is approved by the Lieutenant-Governor in Council. 1931, c. 79, s. 9.

**9.—(1)** Subject to the provisions of this Act and of the regulations provincial aid shall be distributed and may be paid out of any moneys appropriated for such purpose by the Legislature, to any charitable institution on the list of institutions entitled to receive provincial aid, as follows,—

- (a) for every indigent person an inmate of a refuge, ten cents per day for each day's actual maintenance of such inmate during the preceding calendar year;
- (b) for every infant or child an inmate of an orphanage or infants' home, if such infant or child is an orphan or neglected or abandoned or the infant or child of an indigent person, five cents per day for each day's actual maintenance of such inmate during the preceding calendar year, and if any such inmate is an infant under one year of age and is being nursed by its mother in such institution, ten cents per day for each day's actual maintenance of such inmate;
- (c) for every adult, friendless and indigent female person an inmate of any such refuge, orphanage or infants' home, ten cents per day for each day's actual maintenance of such inmate during the preceding calendar year.

Computing  
provincial  
aid.

(2) In calculating the amount of provincial aid the day of departure of an inmate of a charitable institution shall not be counted. 1931, c. 79, s. 10.

No aid  
for self-  
sustaining  
institutions.

**10.** No provincial aid shall be granted to a charitable institution for any year in which the revenues thereof are equal to or exceed the expenditures for operation and maintenance of the institution, unless the Lieutenant-Governor in Council otherwise directs. 1931, c. 79, s. 11.

Withdrawal  
of aid.

**11.** No provincial aid shall be granted to any charitable institution the approval of which has been revoked or suspended or to any such institution which does not comply with the provisions of this Act and the regulations. 1931, c. 79, s. 12.

Restoration  
of aid.

**12.** When from any cause provincial aid to any charitable institution has not been granted or the grant thereof has been withheld or withdrawn, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct that such aid be granted or restored in whole or in part, but not until the approval of such charitable institution has been received or until compliance with the provisions of this Act and the regulations is made, as the case may be. 1931, c. 79, s. 13.

Penalty.

**13.** Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall incur a penalty of not less than \$5 and not exceeding \$500, recoverable under *The Summary Convictions Act*. 1931, c. 79, s. 14.

Rev. Stat.,  
c. 136.

## CHAPTER 382.

## The Reformatory Act.

## 1. In this Act,—

Interpre-  
tation.

(a) "County" shall include district;

"County."

(b) "Inspector" shall mean an inspector appointed under *The Public Institutions Inspection Act*;"Inspector."  
Rev. Stat.  
c. 380.(c) "Minister" shall mean the member of the Executive Council charged with the administration of this Act.  
R.S.O. 1927, c. 345, s. 1; 1931, c. 23, s. 22.

"Minister."

2. The Lieutenant-Governor in Council may maintain one or more reformatories for the Province of Ontario. R.S.O. 1927, c. 345, s. 2.

Maintenance  
by Lieut-  
Governor in  
Council.

3. The Lieutenant-Governor in Council may appoint for each reformatory a superintendent, a director of industries, a surgeon, a bursar, an accountant, a storekeeper and such other officers as may be necessary. R.S.O. 1927, c. 345, s. 3.

Appoint-  
ment of  
certain  
officers.

4. The Lieutenant-Governor in Council may make regulations for the management and discipline of the reformatory and for prescribing the duties and conduct of the superintendent, director of industries, officers and employees therein, and as to the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons detained therein. R.S.O. 1927, c. 345, s. 4.

Regulations.

5.—(1) The inspector may summarily suspend any officer for misconduct, of which the Minister shall be at once notified, and the suspension shall continue until the pleasure of the Lieutenant-Governor is known, and the Inspector may, until such pleasure has been intimated to him, cause any such officer so suspended to be removed beyond the precincts of the prison.

Power of  
inspector  
over  
officers.

(2) It shall be the duty of the inspector to recommend the removal of any officer or employee whom he deems incapable, inefficient or negligent in the execution of his duty, or whose presence in the reformatory he deems injurious to the interests thereof, and the pay of every officer so suspended shall

Duty of  
inspector.

cease during the period of such suspension. R.S.O. 1927, c. 345, s. 5.

Transfer from common gaol to reformatory.

**6.** A male person confined in a common gaol under sentence of imprisonment for an offence against any Act of this Legislature may by the direction and warrant of the inspector be transferred from such common gaol to the reformatory for the unexpired portion of the term of imprisonment to which he was sentenced or committed, and such person shall thereupon be imprisoned in the reformatory for the residue of the term and shall be subject to all the regulations of the reformatory. R.S.O. 1927, c. 345, s. 6.

Convicts may be sentenced to reformatory instead of common gaol.

**7.** The court before which any male person is convicted under, or under the authority of any Act of this Legislature, of an offence punishable by imprisonment in the common gaol may sentence such person to imprisonment in the reformatory. R.S.O. 1927, c. 345, s. 7.

Transfer of prisoners.

**8.** The Minister or such other officer as may be authorized by the Lieutenant-Governor in Council may by warrant direct the removal from the reformatory back to the common gaol, or from an industrial school for boys or an industrial farm to the reformatory, of any person detained therein under the authority of any Act of this Legislature. R.S.O. 1927, c. 345, s. 8.

Officer to deliver up prisoners for removal.

**9.** The superintendent of the reformatory, or the superintendent of an industrial school for boys, or of an industrial farm, or the keeper of a common gaol, having the custody of any person ordered to be removed shall, when required so to do, deliver him up to the provincial bailiff or other officer or person who produces the warrant, together with a copy certified by the superintendent or gaoler of the sentence or order of committal of such prisoner and the date thereof as given to him on the reception of such person into his custody. R.S.O. 1927, c. 345, s. 9.

Superintendent to receive and detain prisoner.

**10.** The superintendent shall receive into the reformatory every person certified to him as sentenced to imprisonment therein, or transferred thereto by warrant, and shall there detain him, subject to the rules, regulations and discipline thereof, until the term of his detention is completed or until he is otherwise discharged in due course of law. R.S.O. 1927, c. 345, s. 10.

Administration of reformatory.

**11.** The administration of the said reformatory shall be divided into the following branches:—



- (a) The Custodial Branch, the chief executive officer of which shall be known as the "superintendent;"
- (b) The Industrial Branch, the chief executive officer of which shall be known as the "director of industries." R.S.O. 1927, c. 345, s 11.

**12.** The superintendent, the director of industries, the Security by officers. bursar, the accountant, and every storekeeper and steward of the reformatory shall give security to the satisfaction of the Minister and for such amount as he shall direct. R.S.O. 1927, c. 345, s. 12.

**13.—**(1) The inspector shall not nor shall any officer or employee in such reformatory, either in his own name or in the name of or in connection with or as the agent of any other person, provide, furnish or supply any materials, goods or provisions for the use of such reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same or in any contract relating thereto. Officers not to be interested in any prison contract.

(2) Every person who contravenes any of the provisions of this section shall incur a penalty of \$1,000. R.S.O. 1927, c. 345, s. 13. Penalty.

**14.** The superintendent or the director of industries shall not nor shall any officer or employee buy from or sell to any inmate in the reformatory anything whatever, or take or receive to his own use or for the use of any other person any fee, gratuity or emolument from any inmate or visitor or any other person, or employ any inmate in working for him. R.S.O. 1927, c. 345, s. 14. Officers not to trade, etc., in the reformatory.

**15.—**(1) Except under the regulations no morphia, cocaine or other narcotic drug, and no intoxicating liquors within the meaning of *The Liquor Control Act* shall on any pretence whatever be brought into the reformatory for the use of any officer or employee or person in the institution or for the use of any prisoner therein. Prohibition of liquors and drugs. Rev. Stat. c. 294.

(2) Every person, other than an officer of the reformatory acting under the regulations, who gives any morphia, cocaine or other narcotic drug or intoxicating liquor, and every officer, employee or other person who gives or conveys tobacco in any form to any prisoner shall incur a penalty of \$40, recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 345, s. 15. Penalty. Rev. Stat., c. 136.

**16.** The reformatory shall be furnished with all requisite means for carrying on beneficial labour by the inmates in Labour.

shops and the various forms of labour, having for their base, clay, sand, gravel, stone, lime, agriculture, horticulture and dairying in all their various branches. R.S.O. 1927, c. 345, s. 16.

Record of  
conduct to  
be kept.

**17.** A record of the conduct of the inmates of the reformatory shall be kept. R.S.O. 1927, c. 345, s. 17.

Sentences.

**18.—(1)** Every person sentenced directly to the reformatory shall be sentenced to imprisonment therein for a period of not less than three months and for an indeterminate period thereafter of not more than two years less one day.

Considera-  
tion by  
Board of  
Parole.

**(2)** The Board of Parole before paroling any inmate shall take into consideration his history for the purpose of determining whether he should be paroled. R.S.O. 1927, c. 345, s. 18.

Employment  
beyond the  
precincts.

**19.—(1)** The Lieutenant-Governor in Council may authorize, direct or sanction the employment of any prisoner upon any specific work or duty beyond the limits of the reformatory.

Conditions  
of employ-  
ment.

**(2)** Every such prisoner during such employment shall be subject to all the provisions of this Act and the regulations and discipline of the reformatory, and to such other regulations of the superintendent as may be prescribed by the inspector. R.S.O. 1927, c. 345, s. 19.

Prisoner  
not to be  
discharged  
on a  
Sunday.

**20.** When the term of imprisonment of any prisoner expires on a Sunday he shall be discharged on the previous Saturday unless he desires to remain until the following Monday. R.S.O. 1927, c. 345, s. 20.

Detention  
of prisoners  
if labouring  
under  
certain  
diseases.

**21.** No prisoner shall be discharged from the reformatory at the termination of his sentence if then labouring under any contagious or infectious disease or under any acute or dangerous illness, but he shall be permitted to remain in the reformatory until he recovers from such disease or illness, and any convict or prisoner remaining from such cause in the reformatory shall be under the same discipline and control as if his sentence were still unexpired. R.S.O. 1927, c. 345, s. 21.

Property  
belonging  
to reforma-  
tory.  
Custody.

**22.** The reformatory shall be held to include all the land procured for such institution, and all buildings and machinery erected or used thereon and all carriages, waggons, sleighs or other vehicles for land carriage being the property of such reformatory or employed in its service, and the superintendent

shall have the custody and care thereof. R.S.O. 1927, c. 345, s. 22.

**23.** The Lieutenant-Governor in Council may cause to be procured and provided, adjacent to or surrounding the reformatory, a tract of land fit for agricultural or mechanical purposes, not exceeding two hundred acres, and may cause the same to be securely enclosed. R.S.O. 1927, c. 345, s. 23.

**24.** All dealings and transactions on account of the reformatory, and all contracts for goods, wares or merchandise necessary for maintaining and carrying it on, or for the sale of goods prepared or manufactured in the reformatory, or for the hire, labour or employment of any of the prisoners either within or without the limits of the reformatory, shall be entered into and carried out by the inspector in his corporate name on behalf of His Majesty. R.S.O. 1927, c. 345, s. 24.

**25.** For more efficiently carrying on the industries at the reformatory the Minister may cause an account to be opened in any Province of Ontario Savings Office or in any branch in Ontario of a chartered bank of Canada in the name of the "Reformatory Industries," with a credit from year to year to cover what may be required for the year for the purposes of the business in connection with such industries, not exceeding the estimated sales of the year as reported to the Assembly by the Minister. R.S.O. 1927, c. 345, s. 25; 1937, c. 72, s. 55.

**26.** The account shall be drawn upon in the manner hereinafter provided. R.S.O. 1927, c. 345, s. 26.

**27.** All money received by the reformatory for and on account of goods sold of whatever kind shall be deposited from day to day in the bank to the credit of the account. R.S.O. 1927, c. 345, s. 27.

**28.** All cheques drawn upon the account shall be signed by the director of industries and bursar of the reformatory and countersigned by the inspector and the Minister. R.S.O. 1927, c. 345, s. 28.

**29.** Every cheque drawn upon the account shall, when presented to the several officers required to sign and counter-sign the same for signature, have attached thereto for the information of such officers the original bill, or a duplicate or certified copy of the original bill, for payment of which the cheque is issued, the bill having been theretofore certified

by the accountant of the reformatory to be correct. R.S.O. 1927, c. 345, s. 29.

Payment of  
balance to  
Provincial  
Treasurer.

**30.** At the end of each fiscal year there shall be paid over to the Treasurer of Ontario the balance of the money standing at the credit of the account. R.S.O. 1927, c. 345, s. 30.

Audit.

**31.** The Provincial Auditor shall audit the industrial accounts of the reformatory at least every three months. R.S.O. 1927, c. 345, s. 31.

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## CHAPTER 383.

### The Andrew Mercer Reformatory Act.

**1.** In this Act,—

Interpreta-  
tion.

- (a) "Inspector" shall mean an inspector appointed under "Inspector."  
*The Public Institutions Inspection Act*;  
Rev. Stat.  
c. 380.
- (b) "Minister" shall mean the member of the Executive "Minister."  
Council charged for the time being with the adminis-  
tration of this Act;
- (c) "Reformatory" shall mean The Andrew Mercer "Reforma-  
Ontario Reformatory for Females; tory."
- (d) "Regulations" shall mean regulations made under "Regula-  
*The Public Institutions Inspection Act*. R.S.O. 1927, tions."  
c. 346, s. 1; 1931, c. 23, s. 23 (1).

**2.** The Andrew Mercer Ontario Reformatory for Females <sup>Object of</sup>  
shall be for the reception, detention and employment of such <sup>reforma-</sup>  
female offenders as are hereinafter mentioned. R.S.O. 1927, <sup>tory.</sup>  
c. 346, s. 2.

**3.** The Lieutenant-Governor in Council may appoint for <sup>Appoint-</sup>  
the reformatory a superintendent, an accountant, a surgeon <sup>ment of</sup>  
and such other officers as he may deem necessary. R.S.O. <sup>certain</sup>  
1927, c. 346, s. 3. <sup>officers.</sup>

**4.** The Lieutenant-Governor in Council may make regula- <sup>Regulations.</sup>  
tions for the management and discipline of the reformatory  
and for prescribing the duties and conduct of the superintend-  
ent and officers and servants employed therein, which may in-  
clude as part of the work thereof the visiting from time to  
time in the Province of paroled and discharged inmates, with  
a view to continuing and prolonging the work of reformation  
through friendly and voluntary assistance and as to the diet,  
clothing, maintenance, employment, classification, instruction,  
discipline, correction, punishment and reward of persons  
detained therein. R.S.O. 1927, c. 346, s. 4.

**5.—(1)** The inspector may summarily suspend any officer <sup>Power of</sup>  
for misconduct, of which the Minister shall be at once notified, <sup>inspector</sup>  
and the suspension shall continue until the pleasure of the <sup>over officers.</sup>  
Lieutenant-Governor is known, and the inspector may, until

such pleasure is intimated to him, cause any such officer so suspended to be removed beyond the precincts of the reformatory.

His duty.

(2) It shall be the duty of the inspector to recommend the removal of any officer whom he deems incapable, inefficient or negligent in the execution of his duty, or whose presence in the reformatory he may deem injurious to the interests thereof, and the pay of every officer so suspended shall cease during the period of such suspension. R.S.O. 1927, c. 346, s. 5.

Encouragement of good behaviour.

6. The inspector may make rules for the keeping of a correct record of the conduct of inmates, with a view to permitting any offender to be paroled upon the recommendation of the superintendent, approved by the inspector and endorsed by the Board of Parole. R.S.O. 1927, c. 346, s. 6.

Transfer from gaol to reformatory.

Female bailiff.

7. A female detained in a common gaol under sentence of imprisonment for an offence against any Act of this Legislature may, by the direction and warrant of the inspector, be conveyed by a female bailiff appointed for that purpose from such common gaol to the reformatory for the unexpired portion of the term of imprisonment to which she was sentenced or committed, and such female shall thereupon be imprisoned in such reformatory for the residue of the term and shall be subject to all the regulations of the reformatory. R.S.O. 1927, c. 346, s. 7.

Female convict may be sentenced to reformatory.

8.—(1) The court before which any female is convicted under, or under the authority of any Act of this Legislature, of an offence punishable by imprisonment may sentence such female to imprisonment for an indefinite period not exceeding two years in the reformatory instead of the common gaol.

Female bailiff.

(2) Such female shall be conveyed to the reformatory by a female bailiff. R.S.O. 1927, c. 346, s. 8.

Re-transfer to gaol may be directed.

9.—(1) The Minister or such other officer as may be authorized by the Lieutenant-Governor in Council may by warrant direct the removal from the reformatory back to the common gaol of any female under sentence of imprisonment for an offence against any Act of this Legislature, and such female shall thereupon be conveyed to the common gaol by the female bailiff.

Officer to deliver up prisoners for removal.

(2) The superintendent of the reformatory, or the keeper of any common gaol, having the custody of any female ordered to be removed shall, when required so to do, deliver her up to the female bailiff who produces the warrant, together with

a copy certified by the superintendent or gaoler of the sentence and date of conviction as given to him on reception of such female into his custody. R.S.O. 1927, c. 346, s. 9.

**10.** Any female bailiff may convey to the reformatory any female person sentenced or liable to be imprisoned therein and deliver her to the superintendent without any further warrant than a copy of the minute of the sentence taken from the records of the court before which she was tried and certified by the convicting justice or the clerk of the court, and the superintendent shall receive her into the reformatory and detain her there, subject to all the rules, regulations and discipline thereof, until the expiration of her sentence or until she is otherwise discharged in due course of law. R.S.O. 1927, c. 346, s. 10.

Copy of  
sentence  
sufficient  
warrant.

Superinten-  
dent to  
receive and  
detain  
prisoners.

**11.** The female bailiff shall give a receipt to the superintendent or gaoler for the prisoner, and shall thereupon without delay convey and deliver her with the certified copy into the custody of the superintendent of the reformatory or of the gaoler of the gaol mentioned in the warrant, who shall give to such bailiff a receipt in writing for her, and the prisoner shall be kept in custody in such reformatory or gaol until the expiration of her sentence, or until she is otherwise discharged in due course of law, unless she is in the meantime again removed under competent authority. R.S.O. 1927, c. 346, s. 11.

Officer to  
give and  
take receipt  
for  
prisoner.

**12.** The superintendent shall reside within the institution and shall be the chief executive officer of it and as such shall have, under the direction of the inspector, the execution, control and management of its affairs, subject to the regulations, and the superintendent shall be responsible for the faithful and efficient administration of the offices of every department of the institution. R.S.O. 1927, c. 346, s. 12.

Powers and  
duties of  
superin-  
tendent.

**13.** The accountant shall give security to the satisfaction of the Minister and for such amount as he shall direct for the faithful performance of the duties of the office. R.S.O. 1927, c. 346, s. 13.

Security by  
accountant.

**14.**—(1) The inspector shall not, nor shall the superintendent or other officer or employee of the reformatory, either in his own name or in the name of or in connection with or as the agent of any other person, provide, furnish or supply any materials, goods, or provisions for the use of the reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same or in any contract relating thereto.

Officers not  
to be inter-  
ested in any  
contract.

Penalty.

(2) Every person who contravenes any of the provisions of this section shall incur a penalty of \$1,000. R.S.O. 1927, c. 346, s. 14.

Officers not to engage in trade, etc., in the reformatory.

**15.** The superintendent shall not nor shall any officer or employee buy from or sell to any prisoner in the reformatory anything whatever, or take or receive to his own use or for the use of any other person any fee, gratuity or emolument from any prisoner or visitor or any other person, or employ any prisoner in working for him. R.S.O. 1927, c. 346, s. 15; 1937, c. 72, s. 5.

Prohibition of liquors and drugs. Rev. Stat. c. 294.

**16.**—(1) Except under the regulations no morphia, cocaine or other narcotic drug, and no intoxicating liquors within the meaning of *The Liquor Control Act* shall on any pretence whatever be brought into the reformatory for the use of any officer or employee or person in the institution or for the use of any prisoner therein.

Penalty.

(2) Every person, other than an officer of the reformatory acting under the regulations, who gives any intoxicating liquors, morphia, cocaine or other narcotic drug, and every officer, employee or other person who gives or conveys tobacco in any form to any prisoner shall incur a penalty of \$40, recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 346, s. 16.

Rev. Stat. c. 136.

Beneficial labour.

**17.** The reformatory shall be furnished with all requisite means for enforcing the performance of beneficial labour by the inmates thereof. R.S.O. 1927, c. 346, s. 17.

Reformatory, what to include.

**18.** All the land enclosed and used in connection with the reformatory building shall be deemed to be part of the reformatory. R.S.O. 1927, c. 346, s. 18.

Prisoners not to be discharged on Sunday.

**19.** When the term of imprisonment of any prisoner expires on a Sunday she shall be discharged on the previous Saturday unless she desires to remain until the following Monday. R.S.O. 1927, c. 346, s. 20.

Detention of prisoners if labouring under certain diseases.

**20.** No prisoner shall be discharged at the termination of her sentence or transferred from the reformatory to a gaol if she has syphilitic or other venereal disease, or any contagious or infectious disease, or is suffering from any acute or dangerous illness, but she shall remain in the reformatory until the surgeon certifies to the inspector that she has recovered from the disease or illness, and any prisoner so remaining shall be



under the same discipline and control as if her sentence were still unexpired. R.S.O. 1927, c. 346, s. 21.

**21.** Where an inmate at any time after admission is reported by the physician of the reformatory as being a mental defective and unable, for this reason, to take care of herself, if discharged from the reformatory, such inmate may be transferred to a suitable institution for care and training, under warrant signed by the inspector. R.S.O. 1927, c. 346, s. 22.

Mental defective may be transferred.

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## CHAPTER 384.

## The Female Refuges Act.

Interpreta-  
tion.**1.** In this Act,—“Industrial  
refuge.”

(a) “Industrial refuge” shall mean an institution for the care of females, designated by the Lieutenant-Governor in Council as an institution to which females may be committed under this Act;

“Inspector.”  
Rev. Stat.  
c. 380.

(b) “Inspector” shall mean inspector appointed under *The Public Institutions Inspection Act*, who is designated to inspect institutions under this Act;

“Judge.”

(c) “Judge” shall include judge of the Supreme Court, judge of a county or district court, and magistrate;

“Minister.”

(d) “Minister” shall mean the member of the Executive Council charged for the time being with the administration of this Act;

“Superin-  
tendent.”

(e) “Superintendent” shall mean matron or other person in charge of an industrial refuge. R.S.O. 1927, c. 347, s. 1; 1937, c. 72, s. 24 (1).

Commit-  
ment of  
females to  
industrial  
refuges.

**2.**—(1) Any female between the ages of fifteen and thirty-five years, sentenced or liable to be sentenced to imprisonment in a common gaol by a judge, may be committed to an industrial refuge for an indefinite period not exceeding two years.

Commitment  
of inmates  
of industrial  
schools.

(2) An inmate of an industrial school for girls may be transferred on warrant signed by the inspector to an industrial refuge, there to be detained for the unexpired portion of the term of imprisonment to which she was sentenced or committed.

Religion of  
inmates.

(3) No Protestant female shall be committed or transferred under this Act to a Roman Catholic institution and no Roman Catholic female shall be committed or transferred to a Protestant institution. R.S.O. 1927, c. 347, s. 2.

Release  
of inmates  
on parole.

**3.**—(1) The inspector may at any time order the release on parole of any prisoner upon such conditions as may be deemed proper.

Re-taking  
inmates on  
breach of  
conditions  
of parole.

(2) Every parole granted to a prisoner shall be conditional whether so expressed or not and a person who fails to observe the conditions of parole may be taken into custody on warrant

signed by the inspector and may be returned to the industrial refuge.

(3) A correct record of the conduct of the inmates of the industrial refuge shall be kept with a view to permitting any inmate to be released on parole by the inspector. R.S.O. 1927, c. 347, s. 3. Record of conduct.

4. The Lieutenant-Governor may at any time order that any person who has been committed or transferred to an industrial refuge shall be discharged. R.S.O. 1927, c. 347, s. 4. Discharge by order of Lieutenant-Governor.

5. The inspector may direct the removal of any inmate who proves unmanageable or incorrigible from an industrial refuge to a common gaol or to the Andrew Mercer Ontario Reformatory for Females. R.S.O. 1927, c. 347, s. 5. Transfer to gaol or reformatory.

6. Any female bailiff to whom the warrant of the magistrate or the inspector is directed may convey to the industrial refuge named in the warrant the person named therein and deliver her to the superintendent. R.S.O. 1927, c. 347, s. 6. Female bailiff to make transfer.

7. An inmate who escapes from an industrial refuge may be again arrested without any warrant by any peace officer and returned to the refuge. R.S.O. 1927, c. 347, s. 7. Recapture of escaped inmates.

8.—(1) A legally qualified medical practitioner having the care of the health of the inmates of an industrial refuge shall examine all inmates within three days after their admission to the refuge and every six months thereafter. Examination of persons in custody.

(2) The superintendent shall forward to the inspector, the medical practitioner's reports of every inmate within three days after the examination as prescribed by subsection 1. R.S.O. 1927, c. 347, s. 8. Certificate to be forwarded to inspector.

9.—(1) The Lieutenant-Governor in Council may appoint a board composed of three persons as follows,—the inspector and two legally qualified medical practitioners. Appointment of a board.

(2) The board shall review findings of the medical practitioner as provided for in section 8 and for such purposes may examine inmates and shall have access to all institutional records pertaining to the persons brought before them. Powers of the board.

(3) The board may make such recommendations to the inspector with respect to all inmates examined as aforesaid as may be deemed proper. Board may make recommendations to inspector.

Transfer of  
patient to  
hospital  
school.

(4) The inspector, upon recommendation of the board may direct the removal of any feeble-minded inmate to the Ontario Hospital School, Orillia.

Transfer of  
patient to  
hospital.

(5) The inspector upon recommendation of the board may direct the removal of any inmate who is suffering from venereal disease to a hospital for proper treatment.

Mainten-  
ance.

(6) The corporation of the municipality in which an inmate transferred to an hospital receiving aid was at the time of commitment resident, shall be liable for the maintenance of the said inmate and the provisions of *The Public Hospitals Act* with respect to maintenance shall be applicable thereto. R.S.O. 1927, c. 347, s. 9.

Rev. Stat.  
c. 390.

Detention of  
inmates  
with certain  
diseases.

**10.**—(1) No inmate shall be discharged from an industrial refuge if she has syphilitic or other venereal disease or is suffering from any contagious or infectious disease or has any acute or dangerous illness, but she shall remain in the industrial refuge until a legally qualified medical practitioner on the staff of the refuge gives a written certificate that such inmate has sufficiently recovered from the disease or illness to be discharged, and any inmate remaining from any such cause in the industrial refuge shall continue to be under its discipline and control.

Report to be  
forwarded  
to the  
inspector.

(2) The superintendent shall forward to the inspector the medical practitioner's reports of all persons detained, as provided for in subsection 1, once every thirty days. R.S.O. 1927, c. 347, s. 10.

Warrants  
to be  
forwarded  
to inspector.

**11.** The superintendent shall forward to the inspector every warrant providing for the admission of any inmate within three days of such admission. R.S.O. 1927, c. 347, s. 11.

No one  
to be  
admitted  
except on  
warrant.

**12.** No person shall be admitted to an industrial refuge except on warrant signed by a judge or transfer warrant signed by the inspector. R.S.O. 1927, c. 347, s. 12.

Refuges  
to be  
houses of  
correction.  
R.S.C.,  
c. 163.

**13.** Every industrial refuge shall be a house of correction for the purpose of the *Prison and Reformatories Act* (Canada). R.S.O. 1927, c. 347, s. 13.

Regulations.

**14.** All by-laws or regulations of the trustees or other governing body having the control or management of an industrial refuge for the government, management and discipline of such institution or as to maintenance, employment, classification, instruction, correction, punishment and reward of persons



detained therein shall be in writing and no such by-law shall have force or effect unless and until approved by the Lieutenant-Governor in Council upon the report of the inspector. R.S.O. 1927, c. 347, s. 14.

**15.**—(1) Any person may bring before a judge any female under the age of thirty-five years who,— Who may be committed.

(a) is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;

(b) is an habitual drunkard or by reason of other vices is leading an idle and dissolute life.

(2) No formal information shall be requisite, but the judge shall have the person brought before him and shall in the presence of such person take evidence in writing under oath, of the facts charged and shall make reasonable inquiry into the truth thereof. Inquiry to be made.

(3) The judge shall hear all cases coming before him under this section in private. Hearings in private.

(4) If the judge is satisfied on inquiry that it is expedient to deal with such person under this Act instead of committing her to a gaol or reformatory, he may commit such person to an industrial refuge for an indefinite period not exceeding two years. R.S.O. 1927, c. 347, s. 15. Committal to industrial refuge.

**16.** The judge shall deliver to the person having the execution of the warrant the depositions taken by him or a certified copy thereof, which depositions or copy shall be delivered to the superintendent or officer receiving such person into the industrial refuge. R.S.O. 1927, c. 347, s. 16. Copy of depositions to be forwarded.

**17.** Any parent or guardian may bring before a judge any female under the age of twenty-one years who proves unmanageable or incorrigible and the judge may proceed as provided in sections 15 and 16. R.S.O. 1927, c. 347, s. 17. Parents or guardians may bring charge before judge.

**18.** All commitments made under this Act shall be reported by the judge to the secretary of the Board of Parole within three days from the making of the order and it shall be the duty of the Board to investigate the case of every person confined under this Act and if deemed proper the Board may recommend to the inspector the granting of parole to any such person. R.S.O. 1927, c. 347, s. 18. Report and investigation of cases by Parole Board.

Mainten-  
ance.

**19.** The Lieutenant-Governor in Council may make regulations providing for the amount payable by a municipality to an industrial refuge for the maintenance of females belonging to any such municipality committed to such industrial refuge and providing for the manner of determining to which municipality any female belongs. 1937. c. 72, s. 24 (2).

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## CHAPTER 385.

## The Houses of Refuge Act.

## PART I.

**1.** In this Act, "Inspector" shall mean inspector appointed under *The Department of Public Welfare Act*. See 1931, c. 74, s. 2.

Interpretation.

"Inspector,"  
Rev. Stat.  
c. 61.

**2.**—(1) The corporation of every county shall establish, erect, and at all times maintain, a house of refuge for the reception of persons of the classes described in section 14.

Counties required to establish houses of refuge.

(2) In lieu of establishing separate houses of refuge, the councils of two or three contiguous counties may, with the approval in writing of an inspector, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint house of refuge for such counties. R.S.O. 1927, c. 348, s. 1; 1931, c. 74, s. 2.

Joint house of refuge.

**3.**—(1) The corporation of every city and separated town may establish, erect and maintain a house of refuge for the purposes mentioned in section 2. R.S.O. 1927, c. 348, s. 2 (1).

Establishment of, by city or separated town.

(2) In lieu of establishing a separate house of refuge, the corporation of a city or separated town may, with the approval in writing of an inspector, enter into an agreement with the corporation of the county in which the city or town is territorially situate for the establishment, erection and maintenance of and they may establish, erect and maintain a joint house of refuge for such city or separated town and such county. R.S.O. 1927, c. 348, s. 2 (2); 1931, c. 74, s. 2.

Agreement with county as to establishment of.

(3) In the cases provided for by subsections 1 and 2, the house of refuge may be located within or without the limits of the city or separated town. R.S.O. 1927, c. 348, s. 2 (3).

Location of house of refuge.

**4.** A house of refuge shall not be erected until the site and plans of the buildings have been approved in writing by an inspector, and no change in the site, and no sale or disposal of any portion thereof and no structural alteration in the building shall be made until the like approval has been given. R.S.O. 1927, c. 348, s. 3.

Approval of site and plans of house of refuge.

Board of management, for house established by county.

**5.—**(1) Where a county establishes a separate house of refuge the council shall appoint two persons, who may be members of the council, and who with the warden shall form a board of management and shall have the management, regulation and control of the house of refuge, subject to the rules and regulations for the government of it and of its inmates made by the council under the authority of section 7.

For house established by two counties.

(2) Where two counties agree to establish a joint house of refuge the councils shall by the agreement provide for the appointment of one person who, with the warden of each county, shall form the board of management, and where three counties agree to establish a joint house of refuge, the board of management shall consist of the wardens of the counties.

For house established by county and a city or separated town.

(3) Where a city or a separated town and a county agree to establish a joint house of refuge the agreement shall provide for the appointment of one person who with the mayor of the city or town and the warden of the county shall form the board of management. R.S.O. 1927, c. 348, s. 4.

Agreement to provide for board of management.

(4) Where two or more cities or separated towns and one county or more than one county agree to establish a joint house of refuge, the agreement shall provide for the appointment of persons who shall form the board of management and such persons may include any member of the councils of such municipalities and any agreement heretofore entered into for the establishment of such a house of refuge may be amended to provide for the appointment of a board of management as set forth in this subsection. 1934, c. 54, s. 12.

Agreement to name corporation to receive grant.

**6.** Where two or more corporations agree to establish a joint house of refuge the agreement shall provide as to the corporation to which any grant made under the provisions of Part II shall be paid. R.S.O. 1927, c. 348, s. 5.

Appointment of officers.

**7.—**(1) The council of a corporation which establishes a separate house of refuge shall appoint a superintendent, a matron and other officers for its care and management, and prescribe their duties and fix their salaries and make rules and regulations for the government of the house of refuge and of its inmates.

Rules and regulations.

Powers of board.

(2) Except in the case provided for by subsection 1, the duties and powers mentioned in that subsection shall be performed and may be exercised by the board of management, except as to salaries, which shall be fixed by joint action of the corporations interested. R.S.O. 1927, c. 348, s. 6.



8. The rules and regulations provided for by section 7 shall not take effect until approved by the Lieutenant-Governor in Council. R.S.O. 1927, c. 348, s. 7. Approval of rules and regulations.

9.—(1) The council of a county, which has established a house of refuge, and the council of a city or town may from time to time enter into agreements for connecting the house of refuge with the sewerage system of such city or town, and may pass all by-laws and do all things necessary to carry the agreement into effect. Agreements for extending sewerage system to houses of refuge.

(2) The council of the county may also contract with The Hydro-Electric Power Commission or with any municipal corporation, company or individual owning or operating a water-works system, or works for the production and supply of electricity for light, heat or power in such city or town, for the supply of water for domestic purposes and for fire protection or of electricity for light, heat or power purposes at the house of refuge. The Contracts for supplying water, electric, light and power.

(3) For the purpose of connecting such house of refuge with such sewerage or waterworks system or electrical works or with the system of The Hydro-Electric Power Commission the corporation of such county, its officers, servants, agents or workmen may enter upon and pass over any lands or highways lying between such house of refuge and such city or town, and may dig up such lands and highways and construct sewers and lay down any pipes and place all necessary poles or wires, and do all necessary work in or upon such lands and highways, making due compensation to the owners as provided by *The Municipal Act*. Power to carry necessary works over intervening lands.

(4) Where two or more municipal corporations have established a joint house of refuge under the provisions of this Act, they shall have, in respect of such house, all the powers conferred upon the council of a county by this section. R.S.O. 1927, c. 348, s. 8. Rev. Stat. c. 266. Powers of municipalities acting jointly.

10. It shall not be necessary to obtain the assent of the electors to a by-law for raising such sums as may be required for the purchase of a site or the erection of buildings for a house of refuge, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any works authorized by section 9; but the amount owing in respect of the same shall not at any time exceed \$50,000. R.S.O. 1927, c. 348, s. 9. Assent of electors to borrowing for houses of refuge, not required.

11.—(1) The council or the board of management, as the case may be, may provide for requiring every person sent to the house of refuge to perform such work or service at such Power to compel persons sent to house of refuge to work.

times, for such hours, and at such trade or labour as he may appear to be fit for, and for buying material therefor, and for selling the articles manufactured therefrom, and for applying the earnings, or part of the earnings of such person, for his maintenance or for the maintenance of his wife and children, or for the general maintenance of the house of refuge, or towards aiding such person to reach his friends, or any place to which it may be deemed advisable to send him.

Detention  
of indigent  
persons.

(2) The council of a county, city or separated town which has established or joined in establishing under this Act a house of refuge may pass by-laws for committing to and detaining therein indigent persons, and a warrant of committal under the hand of the head of the council and the seal of the corporation shall be sufficient authority to the superintendent of such house to receive and detain the person mentioned in it until he is discharged under the rules and regulations or by order of an inspector. R.S.O. 1927, c. 348, s. 10.

Transfer of  
property to  
corporation  
by inmates  
of houses  
of refuge.

**12.—**(1) Where an inmate of a house of refuge desires to transfer his real or personal property, or any part of it; absolutely or by way of security to the corporation or corporations by which the house was established, as payment or compensation for his maintenance while he remains an inmate, or as may be agreed upon, the corporation or corporations may receive and hold such real or personal property and may dispose of the same in such manner as the council or councils may deem proper, or, if it is held only as security, it shall, upon the death of such person, be sold and disposed of, and the proceeds, after defraying the costs and expenses of and incidental to the sale, shall be applied in payment of the cost of the maintenance of such person, with interest at the rate of six per centum per annum, and the surplus, if any, shall be paid to the personal representative of such person, upon demand.

Approval of  
transfer by  
county  
judge.

(2) No such transfer shall be valid, unless it is executed in the presence of a judge of the county court of the county in which the house of refuge is situate, and unless there is endorsed on it a certificate signed by the judge, that he has examined the grantor, and is satisfied that the transfer is not improvident, and that it was made voluntarily, and that the grantor understood the effect of it, and desired to make the transfer.

Maintenance  
of inmates  
of house of  
refuge who  
are pos-  
sessed of  
means.

(3) Where an inmate of a house of refuge is or becomes possessed of any real or personal property out of which the cost of his maintenance or any part of it can be paid, if any sum is due for such maintenance and has not been paid, a judge of the county court of the county in which the house is situate

may, on the application of the council of any municipality interested, and upon such notice to the inmate as he may direct, order that any part of such real and personal property be vested in the corporation or corporations by which the house was established for the purpose of securing payment of the cost of the maintenance so due, or which may thereafter become due, with full power to take or recover possession of, manage, lease, mortgage, sell and convey all or any part of such property in the name of the inmate, or may make such other order, limiting or extending such powers as may be deemed proper, due regard being had to the value of the property, and as to what part, if any, of it is necessary for the support and maintenance of the family of the inmate.

(4) No conveyance, mortgage, lease or other instrument, Conveyance, mortgage, etc., to be approved by judge. purporting to transfer the property, shall be executed by the corporation or corporations until a judge of the county court of the county in which the house of refuge is situate shall have signified his approval of it by endorsement thereon.

(5) Upon the death of the inmate, what remains of the property, after the claims thereon are fully paid and satisfied, shall be transferred to his personal representatives. Transfer to personal representatives. R.S.O. 1927, c. 348, s. 11.

**13.** An account shall be kept of the cost of erecting, keeping, and maintaining the house of refuge, and of all materials furnished therefor, together with the names of the persons received into, and of those discharged from it, and also of the earnings of the inmates, and such other accounts as may be prescribed by the Lieutenant-Governor in Council. What accounts to be kept. R.S.O. 1927, c. 348, s. 12.

**14.**—(1) Any person authorized for that purpose by law of a corporation which has established or joined in establishing a house of refuge may, by writing under his hand, commit to such house of refuge,—Who may be committed to house of refuge.

(a) poor and indigent persons who are incapable of supporting themselves;

(b) persons without the means of maintaining themselves and able to work, who do not do so;

(c) feeble-minded persons not fit for commitment to an institution under *The Mental Hospitals Act*, but for whom special custodial care is necessary. Rev. Stat. c. 392. R.S.O. 1927, c. 348, s. 13 (1); 1937, c. 72, s. 28.

(2) Every inmate of a house of refuge, if able to work, shall be kept diligently employed at labour, and if he does not Punishment of refractory inmates.

perform such reasonable task or labour as may be assigned to him, or is stubborn, disobedient, or disorderly, he shall be liable to be punished in accordance with the rules and regulations of the house of refuge. R.S.O. 1927, c. 348, s. 13 (2).

Break in residence when not to effect liability of county.

**15.**—(1) In the event of a person who is a subject for admission to a house of refuge being found in a county in which he has resided for less than two years, but who before coming into such county had been a resident of another county for two years or more, such person may be returned to the latter county and shall not be refused admission to the house of refuge thereof by reason of the break in his residence.

Period of imprisonment not to be reckoned.

(2) If for any cause such person was deprived of his liberty during such absence, the period of detention shall not be counted in determining the time of residence of such person in the first mentioned county. R.S.O. 1927, c. 348, s. 14.

Special provision as to detention of feeble-minded female inmate.

**16.** Where the physician having the care of the health of the inmates of a house of refuge certifies that a female inmate between the ages of sixteen and forty-five years, on account of natural mental deficiency, is so feeble-minded as to render it probable that she would be unable to care for herself if discharged from such house of refuge, she shall not be discharged until such physician, with the approval of an inspector, orders her discharge. R.S.O. 1927, c. 348, s. 15; 1931, c. 74, s. 2.

Prohibition as to children of certain ages

**17.** No child between the ages of two and sixteen years shall be received, held, boarded or lodged in a house of refuge. R.S.O. 1927, c. 348, s. 16.

Inspection of houses of refuge.

**18.** An inspector shall, at least once in every year, inspect every house of refuge and all books and documents relating to it, and examine into its sanitary condition, and shall report to the Minister of Public Welfare as to its management, and make such recommendation and suggestions in relation to it and to the method of keeping its books and accounts as he may deem advisable, and a copy of such report shall be sent to the clerk of the council of every municipality having an interest in the house of refuge. R.S.O. 1927, c. 348, s. 17; 1931, c. 74, ss. 2, 3.

## PART II.

Aid to counties establishing houses of refuge.

**19.**—(1) The Lieutenant-Governor in Council may direct that there shall be paid out of the Consolidated Revenue Fund to every county which establishes a house of refuge under this Act, and acquires not less than forty-five acres of land for use and uses it in connection therewith, a sum not exceeding one-



fourth of the total amount expended by the corporation for such purpose, but not exceeding \$4,000.

(2) Where two or more municipal corporations establish a joint house of refuge under this Act and have acquired not less than forty-five acres of land for use and use it in connection therewith, the Lieutenant-Governor in Council may direct that there shall be paid out of the Consolidated Revenue Fund a like sum to the corporation designated in the agreement for establishing the house of refuge as the one to which the grant is to be paid.

(3) Where there has been paid to a corporation in respect of a house of refuge a sum less than \$4,000 and thereafter additional land has been or is acquired for, or additional buildings have been or are erected in extending or improving such house of refuge, the Lieutenant-Governor in Council may direct that there shall be paid to such corporation out of the Consolidated Revenue Fund an amount which added to that already paid to it shall not exceed the sum which may be directed to be paid to a corporation under subsection 1. R.S.O. 1927, c. 348, s. 18 (1-3).

(4) An Order-in-Council shall not be passed until an inspector has reported that the land and buildings are suitable for the purpose intended and are ready for occupation. R.S.O. 1927, c. 348, s. 18 (4); 1931, c. 74, s. 2.

(5) Every Order-in-Council shall, as soon as conveniently may be, be laid before the Assembly, and no such order shall be operative until it has been ratified by the Assembly. R.S.O. 1927, c. 348, s. 18 (5).

## CHAPTER 386.

## The District Houses of Refuge Act.

- Interpretation. **1.** In this Act,—
- “District.” (a) “District” shall mean a provisional judicial district; R.S.O. 1927, c. 349, s. 1.
- “Inspector.” (b) “Inspector” shall mean inspector appointed under *The Rev. Stat.* *Department of Public Welfare Act.* See 1931, c. 75, c. 61, s. 3.
- How established. **2.** A house of refuge may be established, erected and maintained in a district when a by-law authorizing the same has been passed in a majority of the organized municipalities of such district. R.S.O. 1927, c. 349, s. 2.
- Joint house of refuge. **3.** When by-laws authorizing the same have been passed in a majority of the organized municipalities in two or more contiguous districts a joint house of refuge may be established. R.S.O. 1927, c. 349, s. 3.
- Approved by Lieutenant-Governor. **4.** When such by-laws have been passed, certified copies shall be transmitted to the Minister of Public Welfare for the approval of the Lieutenant-Governor in Council, and, if approved of, a board of management shall be appointed. R.S.O. 1927, c. 349, s. 4; 1931, c. 75, s. 2.
- Board of management.
- How composed. **5.**—(1) The board of management shall be a corporation and shall consist of five persons resident in the district, and shall be appointed by the Lieutenant-Governor in Council for a term of three years, and in the case of contiguous districts agreeing to join in a joint house of refuge, the board shall consist of three persons resident in each of the districts appointed by the Lieutenant-Governor in Council for a term of three years.
- Term of office. (2) The members of the board shall hold office for a term of three years and until their successors are appointed. R.S.O. 1927, c. 349, s. 5.
- Site for house. **6.** The board shall select the site for the house of refuge, which shall be inspected by an inspector and approved by the Lieutenant-Governor in Council. R.S.O. 1927, c. 349, s. 6; 1931, c. 75, s. 3.

**7.** The board shall have charge of the erection and maintenance of the house of refuge and shall have the same powers as provided for in sections 7 and 8 of *The Houses of Refuge Act*. R.S.O. 1927, c. 349, s. 7. Powers of board.  
Rev. Stat. c. 385.

**8.** The board shall have the powers which are conferred upon the council of a county by sections 9, 10, 11, 12, 14 and 15 of *The Houses of Refuge Act*, and those sections so far as applicable to a house of refuge established by a county shall apply to a house of refuge established under this Act. R.S.O. 1927, c. 349, s. 8. Powers of county councils conferred on boards of management.  
Rev. Stat. c. 385.

**9.** The Lieutenant-Governor in Council may direct that there be paid out of the Consolidated Revenue Fund to the board of each house of refuge erected in a district, and which has acquired not less than forty-five acres of land and uses it in connection therewith, a sum not exceeding \$4,000. R.S.O. 1927, c. 349, s. 9. Grant from Consolidated Revenue Fund.

**10.** Where two or more districts establish a joint house of refuge under this Act and have acquired one hundred acres of land and use it in connection therewith, the Lieutenant-Governor in Council may direct that there be paid to the board out of the Consolidated Revenue Fund a sum not exceeding \$4,000 for each district uniting in the establishment of such joint house of refuge. R.S.O. 1927, c. 349, s. 10. In the case of a joint house.

**11.** The amount of the grant shall not in the case of a house of refuge established for a district exceed the amount levied and collected in such district for the purpose of the establishment and erection of the house of refuge, and in the case of a joint house of refuge the aggregate of the amounts levied and collected for such purpose in the districts by which the house of refuge is established. R.S.O. 1927, c. 349, s. 11. Assessment for maintenance.

**12.—(1)** The cost of establishing, erecting and maintaining a house of refuge shall be defrayed by the corporations of the organized municipalities in the districts by which it is established in proportion to the amount of their assessment according to the last revised assessment roll, and by the ratepayers in school sections in unorganized townships in proportion to the amount of the assessment for school purposes. Providing cost of maintenance.

**(2)** In unorganized townships the amount required to be raised for the purposes of this Act shall be apportioned by the board among the different school sections in proportion to their respective assessments for school purposes, and shall be assessed, levied and collected by the same persons, in the same Apportionment of amount.

In unorganized townships, etc.

manner and at the same times as rates for school purposes, and shall when collected be paid over to the board, and the provisions of law with respect to school taxes in unorganized townships shall, so far as practicable, apply *mutatis mutandis* to the rates levied under this Act.

In organized townships.

Notice of amount to be provided.

(3) The board shall in each year apportion the amount which it estimates will be required to defray the expenditure for that year among the organized municipalities and school sections liable to pay the same, and shall on or before the 31st day of January notify the clerk of each municipality, and in unorganized townships the secretary of each school board, of the amount to be provided, and each municipality and school section in unorganized municipalities shall pay such amount to the board on demand, and shall include the same in its estimates for the then current year and levy and collect the same in like manner as taxes are levied and collected. R.S.O. 1927, c. 349, s. 12.

Aid from Legislative grants. Rev. Stat. c. 381.

**13.** A house of refuge established under this Act shall be entitled to receive aid under *The Charitable Institutions Act* at a *per diem* rate fixed from time to time by the Lieutenant-Governor in Council for each inmate while he is maintained therein. R.S.O. 1927, c. 349, s. 13; 1931, c. 75, s. 4.

Liability for indigent inmates from municipalities in other districts.

**14.**—(1) Where an inmate in a district house of refuge was at the time of his admission a resident in a municipality in a territorial district other than the one for which the house of refuge is established, such municipality shall if the inmate is an indigent person be liable to pay to the board for the maintenance of such inmate at the rate of seventy cents per day for every day in which he is an inmate in the house of refuge. 1931, c. 75, s. 5, *part*; 1933, c. 59, s. 29.

Meaning of "resident."

(2) For the purposes of this section, an inmate shall be deemed to be a resident in a municipality if he actually resided therein for three months out of the five months next preceding admission to the house of refuge. 1931, c. 75, s. 5, *part*.

Accounts to be submitted and audited.

**15.** The accounts of a house of refuge shall be submitted quarterly to an inspector, and audited in the same manner as accounts relating to the administration of justice in districts. R.S.O. 1927, c. 349, s. 14; 1931, c. 75, s. 3.

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## CHAPTER 387.

## The Industrial Farms Act.

**1.** — (1) The council of a county or of a city having a population of not less than 50,000 as shown by the last Dominion of Canada census, may pass by-laws for establishing, equipping and maintaining an industrial farm or industrial farms, which in the case of a city may be established within or without the limits of the city, and for acquiring the lands necessary for that purpose. Industrial farms in city or county.

(2) Industrial farms may be established in provisional judicial districts by the Lieutenant-Governor in Council. 1932, c. 43, s. 2. In provisional judicial districts.

**2.** An industrial farm shall not be established until the site and plans for the buildings to be erected thereon have been approved by the Lieutenant-Governor in Council on the report of an officer authorized by the Lieutenant-Governor in that behalf, or the officer designated in accordance with subsection 1 of section 10 of *The Public Institutions Inspection Act*. 1932, c. 43, s. 3. Site and plans must be approved. Rev. Stat. c. 380.

**3.** In lieu of establishing separate industrial farms the councils of two or more counties or cities may, with the approval in writing of an officer authorized by the Lieutenant-Governor in that behalf, or the officer designated in accordance with subsection 1 of section 10 of *The Public Institutions Inspection Act*, enter into an agreement for the establishment, equipment and maintenance of, and may establish, equip and maintain an industrial farm. 1932, c. 43, s. 4. Joint action by two or more municipal corporations. Rev. Stat. c. 380.

**4.**—(1) Prisoners who are convicted of offences against any Act of this Legislature or against a municipal by-law, or who may be lawfully committed for offences against the criminal law, may be transferred on a warrant of an officer authorized by the Lieutenant-Governor in that behalf, or the officer designated in accordance with subsection 1 of section 10 of *The Public Institutions Inspection Act*, from any common or district gaol, or from any other place of legal custody, to an industrial farm. Transfer from gaol to industrial farm.

(2) A male prisoner in an industrial farm whose sentence has not expired, may be transferred to an Ontario reformatory Transfer of prisoners.

or to the gaol of the county or district in which he was sentenced, or to any other industrial farm or gaol, upon the warrant of the officer as provided in subsection 1, and the said officer may also direct the removal of any female prisoner in an industrial farm to the Andrew Mercer Reformatory for Females or to an industrial refuge for females or to the gaol of the county or district in which she was sentenced. 1932, c. 43, s. 5.

Appoint-  
ment of  
superin-  
tendent, etc.

Rev. Stat.  
c. 380.

**5.** The superintendents, guards, clerks, accountants, engineers and all other officers and employees of industrial farms shall be appointed by the Lieutenant-Governor in Council upon the report of the officer designated in accordance with subsection 1 of section 10 of *The Public Institutions Inspection Act*, and shall be paid such salaries by the county or city or authority establishing and maintaining such farms as shall be prescribed from time to time by the Lieutenant-Governor in Council, provided that in any industrial farm for male prisoners established and equipped by the corporation of a city of over 100,000 persons, the corporation of the said city may appoint one engineer and one steward, but if such appointments are made, the said engineer and the said steward shall be subject to the same discipline and the same rules and regulations as any other officer or employee of such farm. 1932, c. 43, s. 6.

Agreements  
for extend-  
ing sewer-  
age system  
to industrial  
farm.

**6.—(1)** The council of a county or city which has established an industrial farm or industrial farms may from time to time enter into an agreement or agreements for connecting the industrial farm or industrial farms with the sewerage system of any municipal corporation and may pass all by-laws and do all things necessary to carry the agreement or agreements into effect.

Contracts  
for supply-  
ing water,  
light and  
power.

**(2)** Such council of a county or city may contract with The Hydro-Electric Power Commission of Ontario or with any municipal corporation, company, firm or individual, owning or operating a waterworks system or works for the production and supply of electricity for light, heat or power, for the supply of water for domestic purposes and for fire protection, or for the supply of electricity for light, heat or power purposes at the industrial farm or industrial farms.

Power to  
carry neces-  
sary works  
over inter-  
vening  
lands.

**(3)** For the purpose of connecting such industrial farm or industrial farms with such sewerage or waterworks system or electrical works, the corporation of such county or city, its officers, servants, agents or workmen may enter upon and pass over any lands or highways lying between such industrial farm or industrial farms and the points of connection, and may dig up such lands and highways and construct sewers and lay down

pipes and place all necessary poles, wires and appliances and do all necessary work in or upon such lands and highways, making due compensation to the owners as provided by *The Municipal Act*.

Rev. Stat.  
c. 266.

(4) Where two or more such counties or cities have established a joint industrial farm or industrial farms, they shall have in respect to such industrial farm or industrial farms, all the powers conferred upon the council of a county or city by this section. 1932, c. 43, s. 7.

Powers of  
corpora-  
tions estab-  
lishing a  
joint indus-  
trial farm.

7. It shall not be necessary to obtain the assent of the electors to a by-law for raising such moneys as may be required for the establishment, equipment and maintenance of an industrial farm or for the acquiring of lands required for that purpose. 1932, c. 43, s. 8.

Assent of  
electors not  
required  
to by-law  
establishing  
industrial  
farm.

8. The Lieutenant-Governor in Council upon the recommendation of an officer as provided in subsection 1 of section 10 of *The Public Institutions Inspection Act*, may make rules and regulations for the management, discipline, government and control of an industrial farm and prescribing the requirements to be observed in keeping the buildings, plants and machinery in repair. 1932, c. 43, s. 9.

Rules and  
regulations.  
Rev. Stat.  
c. 380.

9. Rules and regulations made under the authority of this Act may provide for requiring every prisoner committed to an industrial farm to perform such work or services at such time, for such hours and at such trade or labour as may be deemed advisable, and for buying material therefor, and for selling or otherwise disposing of the articles manufactured or produced therefrom. 1932, c. 43, s. 10.

Work of  
prisoners.

10.—(1) Except where otherwise provided by agreement the cost of the maintenance of an industrial farm, as referred to in subsection 1 of section 1, including the salaries of the superintendent and the officers and employees thereof, and of the persons committed or transferred to it, and all other expenses incidental thereto, shall be borne and paid in the same manner and by the same county or city and the Province in the same proportion as if the industrial farm were a common gaol under *The Administration of Justice Expenses Act*.

Cost of  
maintenance  
of industrial  
farm.

Rev. Stat.  
c. 141.

(2) In the case of a joint industrial farm, the counties or cities by which it is established shall provide, by agreement, the proportions in which the costs and expenses mentioned in subsection 1 shall be borne by them respectively, and by which of them such costs and expenses shall be paid in the first instance, and the terms of such agreement may be varied from

In case of  
joint farms.

Rev. Stat.  
c. 266.

time to time as occasion may require, and if the corporations are unable to agree as to the variation, the same shall be determined by arbitration under *The Municipal Act*, but no such variation, except by agreement, shall be made more often than once in every five years.

Cost of  
maintenance  
in pro-  
visional  
judicial  
district.

(3) The cost of the establishment, equipment and maintenance of an industrial farm in a provisional judicial district, as referred to in subsection 2 of section 1 shall be borne and paid by the Province. 1932, c. 43, s. 11.

Monthly  
reports by  
superin-  
tendent.

Rev. Stat.  
c. 380.

**11.** The superintendent of every industrial farm shall, during the first week of each calendar month, transmit by registered post to the officer designated in accordance with subsection 1 of section 10 of *The Public Institutions Inspection Act*, a report showing the number of prisoners admitted, discharged, paroled and deceased in the industrial farm during the preceding month, on the form prescribed by the said officer, together with such other particulars as he may require. 1932, c. 43, s. 12.

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## CHAPTER 388.

## The Gaols Act.

**1.** In this Act,—Interpreta-  
tion.

- (a) "Inspector" shall mean an inspector appointed under *The Public Institutions Inspection Act*; "Inspector,"  
Rev. Stat.  
c. 380.
- (b) "Minister" shall mean the member of the Executive "Minister."  
Council charged for the time being with the adminis-  
tration of this Act. R.S.O. 1927, c. 351, s. 1; 1931,  
c. 23, s. 25.

**2.** All gaols in Ontario shall be prisons of the Supreme Prisons of  
Court. R.S.O. 1927, c. 351, s. 2. Court.

## GAOLS IN PROVISIONAL JUDICIAL DISTRICTS.

**3.**—(1) Every gaol erected in a provisional judicial district Gaols,  
in districts.  
under the authority of the Lieutenant-Governor in Council,  
or any building so declared so to be by the Lieutenant-Governor  
in Council, shall be a common gaol of the district.

(2) The common gaols and the industrial farms in the Gaols and  
industrial  
several districts shall be respectively common gaols and indus- farms com-  
trial farms for all the districts, and any court or magistrate mon for all  
the districts.  
may direct the committal to any of them, either for safe custody  
or for punishment of any person who may be lawfully com-  
mitted by such court or magistrate to the common gaol or  
industrial farm of the district in which the order for committal  
is made. R.S.O. 1927, c. 351, s. 3.

**4.** Any person imprisoned in a lock-up in a district may be Transfer  
from lock-  
transferred by order of an inspector to the common gaol in up to com-  
mon gaol.  
the district town of the district. R.S.O. 1927, c. 351, s. 4.

**5.** The Lieutenant-Governor may appoint a gaoler of every Appoint-  
ment of  
common gaol, who shall perform all the duties and be under gaoler.  
and subject to all the liabilities that the gaolers of the com-  
mon gaols in counties perform and are subject to and shall  
give such security for the due performance of the duties of  
his office as the Lieutenant-Governor in Council from time  
to time prescribes, and every such gaoler shall be paid out of  
money appropriated by this Legislature and voted by the

Assembly for that purpose, such sums of money annually as the Lieutenant-Governor in Council may think reasonable for the services performed. R.S.O. 1927, c. 351, s. 5.

Vacancy.

**6.**—(1) In case of a vacancy, the sheriff shall appoint some proper person to act as gaoler until an appointment is made by the Lieutenant-Governor in Council.

When  
sheriff to be  
*ex-officio*  
gaoler.

(2) The Lieutenant-Governor in Council may, upon the application of the sheriff, declare that the public interests do not require that another gaoler of the gaol at the district town shall be appointed, and thereupon the sheriff shall be *ex-officio* gaoler of such gaol, and shall perform all the duties and shall be subject to all the liabilities of the office. R.S.O. 1927, c. 351, s. 6.

#### ESTABLISHMENT AND MAINTENANCE OF GAOLS.

Plans.

**7.** Every gaol shall be constructed and built according to a plan to be approved of by the inspector, and sanctioned by the Lieutenant-Governor in Council, and no gaol built after the 4th day of March, 1868, in any county, otherwise than according to a plan so approved and sanctioned, or which does not, after its completion, receive the approval of the inspector, shall be deemed to be in law the gaol of such county. R.S.O. 1927, c. 351, s. 7.

Considera-  
tion of  
plans.

**8.** The inspector, before deciding upon the plan of a gaol most proper to be adopted, or approving a gaol after its completion, shall take into consideration,—

Particulars.

- (a) the nature and extent of the ground upon which the gaol has been or is to be built;
- (b) its relative situation to any street and buildings, and to any river or other water supply;
- (c) its comparative elevation and capability of being drained;
- (d) the material of which it has been or is to be constructed;
- (e) the necessity of guarding against cold and dampness, and of providing properly for ventilation and light for each corridor;
- (f) the proper classification of prisoners, having regard to age, sex, and cause of confinement;
- (g) the best means of ensuring their safe custody without the necessity of resorting to severe treatment;

- (h) the due accommodation of the gaoler and turnkeys, so that they may have ready access to the prisoners and conveniently oversee them;
- (i) the prevention of any intercourse between prisoners and persons without the walls of the building;
- (j) the prevention of nuisances from whatever cause, and the necessity of providing proper and sufficient sanitary conveniences;
- (k) the combining provision, as well for the reformation of convicts, as far as may be practicable, as for their employment, in order that the gaol may really serve as a place of correction;
- (l) the admission of prisoners to air and exercise without the walls of the building; and
- (m) the enclosure of the yard and premises with a secure wall. R.S.O. 1927, c. 351, s. 8.

**9.**—(1) If the inspector at any time finds that the common gaol in any county or city is out of repair or is unsafe or unfit for the confinement of prisoners, or is not constructed or maintained in conformity with the provisions of section 8, or does not afford sufficient space or room for the number of prisoners usually confined therein, he shall forthwith report the fact to the Lieutenant-Governor, and shall at the same time furnish a copy of such report to the council of such county or city.

Report to  
Lieutenant-  
Governor.

Copy for the  
municipal  
council.

(2) The council shall thereupon appoint a special committee to confer with the inspector, and to arrange with him as to the repairs, alterations or additions that may be deemed necessary to remedy the defects reported upon, and to report the same to the council.

Conference  
with  
inspector.

(3) If the inspector and the committee do not agreed upon what repairs, alterations and additions are necessary, the matter shall be referred to the Lieutenant-Governor in Council to decide, and his decision shall be reported to the council.

Case of  
disagree-  
ment.

(4) It shall be the duty of the council, by by-law, to provide for the making of the repairs, alterations or additions so arranged for and reported or decided upon, and for the appropriation of any money that may be required for that purpose, and in default thereof the council may be proceeded against at the instance and prosecution either of the Attorney-General for Ontario or of any private prosecutor, to compel the making by the council of such repairs, alterations or additions.

By-law for  
repairs.

Proceedings  
in default.

Repairs to be proportioned to circumstances and resources of council.

(5) The inspector and the special committee of the county or city council shall, in arranging the particulars of the necessary repairs, alterations or additions, have due regard to the plan of the gaol and to the ability of the council to meet the expense thereof, and in the case of alterations or additions, shall make the same as few and inexpensive as, in their opinion, the requirements of this Act and of the public service will admit. R.S.O. 1927, c. 351, s. 9.

#### VACANCY IN OFFICE OF COUNTY GAOLER.

Duty of inspector when vacancy occurs.

**10.**—(1) Where a vacancy occurs in the office of gaoler of any county gaol, and the number of prisoners who have been confined in such gaol during the three years ending on the 31st of December immediately preceding the occurrence of such vacancy did not exceed on an average six *per diem* in any of such years, it shall be the duty of the inspector, to issue and transmit to the county council his certificate to that effect, and he shall also notify the sheriff of the county that the gaol may be made subject to the provisions of this section.

Power of county council.

(2) The council may, after the receipt of such certificate, and within three months after the occurrence of such vacancy, or at the next meeting of the council thereafter, by resolution declare that the public interests do not require the appointment of a gaoler.

Sheriff may agree to act as gaoler.

(3) The sheriff may thereupon agree with the council to act as gaoler and for the remuneration to be allowed him for the performance of the duties of gaoler, and in that event it shall not be necessary for the sheriff to appoint a gaoler, but he shall himself be *ex officio* the gaoler and shall, with such assistance as he deems necessary perform all the duties and be subject to all the responsibilities of the office.

His duty.

Sheriff may appoint gaoler *pro tempore* or act himself.

(4) Pending the action of the council, the sheriff may either make a temporary appointment of a gaoler, or may elect himself to perform the duties of the gaoler, in which case he shall be *ex officio* gaoler and shall perform all the duties and shall be subject to all the liabilities of the office.

Sheriff must appoint if council fails to act.

(5) If the council does not within the time thereby limited, pass the resolution mentioned in subsection 2, the sheriff shall forthwith thereafter appoint the temporary gaoler or some other proper person to be the gaoler.

Salary of temporary gaoler or sheriff.

(6) The temporary gaoler or the sheriff, while acting under subsection 4, shall be paid at the same rate of salary as was paid to the gaoler who held the office previous to the occurrence of the vacancy. R.S.O. 1927, c. 351, s. 10.



## TRANSFER OF PRISONERS TO GAOL OF AN ADJOINING COUNTY.

**11.**—(1) Where the number of prisoners confined in the gaol of any county during two years does not exceed on an average four *per diem* for either of such years and the inspector reports to the Lieutenant-Governor that it would be proper that an agreement should be made for keeping the prisoners of such county in the gaol of an adjoining county, the council of the first mentioned county may agree with the council of the adjoining county for keeping and maintaining such prisoners in the gaol of the adjoining county.

When an agreement for transfer may be made.

(2) The two years shall be the two years ending on the 31st day of December, immediately preceding the making of the agreement. R.S.O. 1927, c. 351, s. 11.

How average reckoned.

**12.** If such agreement is made, the Lieutenant-Governor in Council may sanction the same and shall issue a proclamation declaring that from a day to be named therein, the gaol of the adjoining county shall also be the common gaol of the first mentioned county, and it shall so continue from that day until the Lieutenant-Governor in Council issues a proclamation terminating the agreement. R.S.O. 1927, c. 351, s. 12.

Sanction by Lieutenant-Governor in Council.

**13.**—(1) No such first mentioned proclamation shall be issued unless there is direct railway communication between the county towns of the two counties, nor until the inspector has reported that a sufficient lock-up for the safe custody of prisoners held or committed for trial in the first mentioned county or in custody prior to their committal for trial or pending their removal to the county goal, the reformatory for Ontario or penitentiary has been provided in or near the county town of the first mentioned county.

Pre-requisites to sanction.

(2) Nothing in this section shall prevent the imprisonment of any such prisoner in the gaol of the adjoining county where the committing magistrate or the sheriff in charge deems it expedient that he should be imprisoned therein.

Magistrate may commit to gaol of adjoining county.

(3) The lock-up may be either the building theretofore used as the gaol of the first mentioned county or part thereof or some other building approved by the inspector. R.S.O. 1927, c. 351, s. 13.

Lock-up.

**14.** The county at whose instance such first mentioned proclamation has been issued shall bear all expenses incurred in respect of the conveying of any prisoners to or from the gaol of the adjoining county in excess of those which would have been incurred had the prisoners been detained in a gaol in the county town of the first mentioned county. R.S.O. 1927, c. 351, s. 14.

Expenses of transferring prisoners.

Duty of  
county  
council as  
to lock-up.

**15.** It shall be the duty of the county council to see that the lock-up is always kept in a proper condition for the reception of prisoners, and if the county council fails so to keep the same, the sheriff shall at the cost of the county do what is necessary in that behalf. R.S.O. 1927, c. 351, s. 15.

Term for  
which  
agreement  
to be made.

**16.**—(1) An agreement made under section 11 shall continue, subject to any variation of the terms thereof by mutual agreement, for five years, and shall after such five years continue until varied by agreement, or if the councils are unable to agree, until varied by arbitration under *The Municipal Act*, but either council may at any time apply to the Lieutenant-Governor in Council to terminate the agreement.

Rev. Stat.  
c. 266.

How ter-  
minated.

(2) The Lieutenant-Governor in Council may terminate the agreement upon the application of either of the councils interested or of his own motion from a day to be named in his proclamation in that behalf and from such day the gaol of the adjoining county shall cease to be the common gaol of the first mentioned county. R.S.O. 1927, c. 351, s. 16.

Effect of  
proclama-  
tion as  
evidence.

**17.** The issue of a proclamation under this Act shall be conclusive evidence that the events have happened and that the conditions exist which authorize the issue thereof. R.S.O. 1927, c. 351, s. 17.

Powers of  
Lieutenant-  
Governor in  
Council.

**18.**—(1) The Lieutenant-Governor in Council shall, with respect to persons in custody undergoing imprisonment for offences against any law of Ontario or a by-law, or charged with any such offence, or for whose arrest a warrant has been issued, have all the powers conferred upon him in respect of offences against the laws of Canada by the *Prisons and Reformatories Act* (Canada), the provisions of which shall *mutatis mutandis* apply.

R.S.O.  
c. 163.

Cost of  
mainten-  
ance of  
prisoner.

(2) The cost of the maintenance of a prisoner, transferred under the authority of this section, shall be paid and borne by the corporation of the county from the gaol of which he is transferred, and in case of dispute as to the amount which is payable, shall be determined by the inspector.

And of his  
transfer.

(3) The expenses of the transfer of a prisoner under this section or under the *Prisons and Reformatories Act* (Canada) shall be paid by the corporation of the county from the gaol of which the prisoner is transferred.

How  
settled.

(4) In case of dispute as to the amount payable under subsection 2 or 3, the same shall be determined by the inspector. R.S.O. 1927, c. 351, s. 18.

**19.** Any person sentenced to imprisonment in the Reformatory for Ontario or in the Andrew Mercer Ontario Reformatory for Females, may be detained in the common gaol until the proper officer requires the delivery to him of such person for conveyance to the reformatory in which he or she is to be imprisoned. R.S.O. 1927, c. 351, s. 19.

Detention  
in gaol  
pending  
removal to  
reforma-  
tories.

#### REMOVAL OF PERSONS TO PROVINCIAL INSTITUTIONS.

**20.**—(1) The Lieutenant-Governor in Council may appoint provincial bailiffs, male or female, who shall be employed for the purpose of conveying any person confined in any of the common gaols of Ontario or other place of custody and liable to be removed from thence to any provincial institution in which such person is lawfully directed to be confined, and also in the performance of such other duties as may be assigned to them by the inspector.

Appointment  
of bailiffs.

(2) The inspector may authorize the employment of a suitable person to act as a temporary bailiff, and such temporary bailiff shall have the same powers and may perform the same duties as a provincial bailiff and shall be paid for such temporary services as the Provincial Secretary may direct. R.S.O. 1927, c. 351, s. 20.

Temporary  
bailiffs.

**21.** Any such bailiff may convey any person from the gaol or other place of custody to such provincial institution without further authority than the warrant of the inspector, which shall be issued in duplicate, and such person shall be received into institution and there detained subject to the rules, regulations and discipline thereof until discharged by due course of law or removed under competent authority. R.S.O. 1927, c. 351, s. 21.

Warrant  
for removal.

**22.** The bailiff, in the conveyance of such person to any of such provincial institutions, may secure and convey him in and through any county or district through which such bailiff may have to pass, and until such person has been delivered to and placed in such institution, such bailiff shall have, in every part of Ontario, the same power and authority over and with regard to him, and to command the assistance of any person to prevent his escape, and to recapture him in case of an escape, as the sheriff of the county or district in which he was convicted or confined would have had in conveying him from one part to another of that county or district. R.S.O. 1927, c. 351, s. 22.

Powers of  
bailiffs.

Bailiffs to give and take receipts for persons in their charge.

**23.** The bailiff shall give to the sheriff or gaoler one of the duplicates of the warrant and a receipt for every person delivered to him, and shall thereupon with all convenient speed convey and deliver up such person with the other duplicate to the superintendent or other official head of such provincial institution, who shall give his receipt in writing for every such person so received by him to such bailiff, and every such person shall be kept in such institution until discharged by due course of law or removed under competent authority. R.S.O. 1927, c. 351, s. 23.

Expenses of removal.

**24.**—(1) The county, or other municipality, in which the gaol or other place of custody is situate and from which such person is removed by such bailiff, shall be liable to pay to the Treasurer of Ontario, on demand, the expenses incurred in the removal and conveyance of such person, together with sixty per centum added thereto.

How borne.

(2) Where a gaol is maintained jointly by a city and county, or in the case of a town separated from a county, the county shall be deemed to be the municipality in which the gaol is situate, and the city or town shall pay its just proportion of such expenses and additional percentage, and if not mutually agreed upon, the same shall be determined by arbitration as provided by *The Municipal Act*. R.S.O. 1927, c. 351, s. 24.

Rev. Stat. c. 266.

#### EMPLOYING PRISONERS WITHOUT THE WALLS OF COMMON GAOLS.

Employment of prisoners outside gaol.

**25.** The Lieutenant-Governor in Council may direct or authorize the employment beyond the limits of the common gaol upon any work or duty, the nature of which is specified in the Order-in-Council, of any person who is sentenced to be imprisoned with hard labour in such gaol under the authority of any statute of Ontario or for the breach of a by-law of any municipal corporation or board of commissioners of police. R.S.O. 1927, c. 351, s. 25.

Discipline of gaol to be observed during employment.

R.S.C., c. 163.

**26.** Every such prisoner shall, during such employment, be subject to the rules, regulations and discipline of the gaol, and to any regulations made by the Lieutenant-Governor in Council under the *Prisons and Reformatories Act* (Canada) or any Act thereby consolidated, for preventing escapes and preserving discipline. R.S.O. 1927, c. 351, s. 26.

Supervision.

**27.** No such prisoner shall be so employed, except under the strictest care and supervision of officers appointed to that duty. R.S.O. 1927, c. 351, s. 27.



**28.** Every street, highway or public thoroughfare on which prisoners may pass in going to or returning from their work, and every place where they may be employed under this Act, shall, while so used, be deemed to be a part of the gaol for the purposes of this Act. R.S.O. 1927, c. 351, s. 28.

What to be  
deemed part  
of gaol.

**29.**—(1) An account shall be kept of the amount earned by the labour of prisoners imprisoned in any common gaol, and such amount shall be divided between the Province and the county in proportion to the amount contributed by them respectively towards the care and maintenance of the prisoners.

Division  
of earnings  
of prisoners.

(2) The division shall be made by such officer, or other person, and at such time as the Lieutenant-Governor in Council shall direct. R.S.O. 1927, c. 351, s. 29.

How and  
when made.

**30.** In the case of a county in which a city or separated town is situate, the share of such earnings which the city or town shall be entitled to receive from the county shall, in case the councils are unable to agree, be determined annually by arbitration under the provisions of *The Municipal Act*. R.S.O. 1927, c. 351, s. 30.

Division of  
earnings  
between  
county and  
city or  
towns.

Rev. Stat.  
c. 266.

**31.**—(1) No gaoler, keeper or other officer of any gaol, lock-up or industrial farm shall sell, lend, use, or give away, or knowingly permit or suffer any intoxicating liquors within the meaning of *The Liquor Control Act* to be sold, used, lent or given away to any prisoner or to any person committed to an industrial farm, or to be brought into the same, other than as may be prescribed by or given by the direction of a legally qualified medical practitioner.

No intoxi-  
cating  
liquors  
to be given  
to prisoners  
by officers.

Rev. Stat.  
c. 294.

(2) No person shall give, convey or supply to any prisoner confined in any gaol or industrial farm, any intoxicating liquor within the meaning of *The Liquor Control Act* otherwise than as authorized by this Act.

Or by any  
person.

(3) Every person who contravenes this section shall incur a penalty of \$100, recoverable under *The Summary Convictions Act*.

Penalty.  
Rev. Stat.  
c. 136.

(4) For a second offence of the like nature by such gaoler, keeper, or other officer, he shall also forfeit his office. R.S.O. 1927, c. 351, s. 31.

Second  
offence  
by officer.

## CHAPTER 389.

## The District Court Houses Act.

Buildings  
for holding  
courts  
to be court  
houses.

**1.** Any building now or hereafter erected and provided under the authority of the Lieutenant-Governor in Council in the district town of any territorial district for the purpose of holding courts therein shall be the court house of such district. R.S.O. 1927, c. 352, s. 1.

Regulations.

**2.** The Lieutenant-Governor in Council may prescribe regulations for the construction, management, inspection and repair of such court house. R.S.O. 1927, c. 352, s. 2.

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## CHAPTER 390.

## The Public Hospitals Act.

## 1. In this Act,—

Interpreta-  
tion.

- (a) "Board" shall mean a board of directors, governors, trustees, commission or other governing body or authority of a hospital; "Board."
- (b) "Dependant" shall mean and include a patient for the charges for whose treatment some other person is liable in law; "Dependant."
- (c) "Department" shall mean the Department of Health for Ontario; "Department."
- (d) "Hospital" shall mean and include any institution, building or other premises or place, howsoever created, established or incorporated for the treatment of persons suffering from sickness, disease or injury, or for the treatment of incurable persons; "Hospital."
- (e) "Incurable person" shall mean any person afflicted with or suffering from any incurable disease, sickness, injury or other condition of a permanent nature requiring treatment; "Incurable person."
- (f) "Inspector" shall mean an officer of the Department designated under this Act as an inspector; "Inspector."
- (g) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act; "Minister."
- (h) "Municipality" shall mean a city, separated town or county, except that in a territorial district it shall mean a city, town, village or township; 1931, c. 78, s. 2, cls. (a-h). "Municipality."
- (i) "Patient" shall mean a person received and lodged in a hospital for the purpose of treatment, except that in section 39, "patient" shall include a person admitted to a hospital for the purpose of treatment and a person received and lodged in a hospital for the purpose of treatment; 1935, c. 66, s. 15 (1). "Patient."

"Provincial  
aid."

(j) "Provincial aid" shall mean aid granted to a hospital out of moneys appropriated for the purpose by the Legislature;

"Regula-  
tions."

(k) "Regulations" shall mean any regulations made under this Act;

"Resident."

(l) "Resident" shall mean a person who has actually resided in a municipality for the period of three months within the five months next prior to admission to a hospital;

"Superinten-  
dent."

(m) "Superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a hospital;

"Territorial  
district."  
Rev. Stat.  
c. 3.

(n) "Territorial district" shall mean any of the territorial districts set forth in *The Territorial Division Act*;

"Treat-  
ment."

(o) "Treatment" shall mean and include the stay, maintenance, observation, care, nursing and treatment of a patient;

"Unorgan-  
ized terri-  
tory."

(p) "Unorganized territory" shall mean that part of a territorial district which is without municipal organization. 1931, c. 78, s. 2, cls. (j-p).

Sanatoria  
and private  
hospitals  
not affected.  
Rev. Stat.  
cc. 395, 391.

**2.** Nothing in this Act contained shall in any way relate to or affect a sanatorium under *The Sanatoria for Consumptives Act*, or a private hospital under *The Private Hospitals Act*. 1931, c. 78, s. 3.

Hospitals  
aided in  
1930  
approved.  
R.S.O. 1927,  
c. 359.

**3.—**(1) The several institutions which under *The Hospitals and Charitable Institutions Act* as public hospitals or homes for incurables received aid for the year 1930 from the Province shall for the purposes of this Act and the regulations be deemed to be hospitals approved under this Act.

New hospi-  
tals to be  
approved.

(2) No institution, building or other premises or place shall hereafter be created, established or incorporated as a hospital until the same has been approved by the Lieutenant-Governor in Council.

Hospitals  
not to  
operate  
without  
approval.

(3) No institution, building or other premises or place shall be operated or used as a hospital unless and until the same is approved by the Lieutenant-Governor in Council.

Suspension  
or revoca-  
tion of  
approval.

(4) Any approval given or deemed to have been given under this Act in respect to any hospital may be suspended by the Minister or revoked by the Lieutenant-Governor in Council. 1931, c. 78, s. 4.



4. The Lieutenant-Governor in Council upon the recommendation of the Minister, may make such regulations with respect to hospitals as may be deemed necessary for,—

- (a) their creation, establishment, construction, alteration, equipment, maintenance and repair; Regulations for hospitals.  
Creation, construction, etc.
- (b) their classification, grades and standards; Classification, etc.
- (c) their inspection, control, government, management, conduct, operation and use; Inspection, etc.
- (d) their superintendents, staffs, officers, servants and employees, and the powers and duties thereof; Staffs, etc.
- (e) the admission, treatment, conduct, discipline and discharge of patients; Patients, etc.
- (f) the classification and lengths of stay of and rates and charges for patients; Rates, etc.
- (g) the records, books, accounting systems, audits, reports and returns to be made and kept by hospitals; Accounting, etc.
- (h) the distribution, payment, withholding and restoration of and other matters affecting provincial aid; Provincial aid.
- (i) all other matters affecting hospitals. 1931, c. 78, s. 5. Miscellaneous.

5. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act and the regulations, and the Department may, from time to time, declare all or any of the regulations to be in force with respect to all hospitals or any specified hospital or hospitals and for such time or times as the Department may deem expedient. 1931, c. 78, s. 6. Enforcement of Act.

6. The Minister, with the approval of the Lieutenant-Governor in Council, may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations, and the powers and duties of such inspectors shall be as prescribed by the regulations. 1931, c. 78, s. 7. Inspectors.

7. Every hospital shall have power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do, but where the provisions of any general or special Act heretofore passed conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations shall prevail. 1931, c. 78, s. 8. Hospital powers and their exercise.

Expropria-  
tion powers.

**8.** The board of a hospital may with the approval of the Lieutenant-Governor in Council pass by-laws for expropriating any land adjacent to or in the vicinity of such hospital which may be requisite for or advantageous to any of its purposes, and in that behalf may exercise the powers of expropriation conferred on a municipality under *The Municipal Act*, the provisions of which relating thereto shall, *mutatis mutandis*, apply to and govern the exercise of such powers, so far as the same are applicable or necessary thereto, and the superintendent in such case shall exercise the powers and perform the duties which under the said Act are to be exercised and performed by the clerk of the municipality. 1931, c. 78, s. 9.

Rev. Stat.  
c. 266.

By-laws,  
etc., to be  
approved.

**9.** No by-law, rule or regulation of any hospital shall have force or effect until the same is approved by the Lieutenant-Governor in Council. 1931, c. 78, s. 10.

Medical  
students'  
clinics.

**10.** Subject to the provisions of any existing agreement relating thereto, every hospital, other than a hospital for incurables, receiving provincial aid under this Act shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations. 1931, c. 78, s. 11.

Hospitals to  
admit sick  
persons.

**11.** Except as may be otherwise provided in this Act, no hospital other than a hospital for incurables, receiving provincial aid shall refuse to admit as a patient any person who from sickness, disease or injury or otherwise is in need of treatment, and no hospital for incurables receiving such aid shall refuse to admit as a patient any incurable person so certified in accordance with the regulations. 1931, c. 78, s. 12.

Admission  
of indigents  
under agree-  
ment.

**12.** Except as may otherwise be provided in this Act or in the agreement, no hospital with which a municipality has entered into an agreement under this Act shall refuse to admit as a patient any indigent person or dependant of an indigent person a resident in such municipality, who from sickness, disease or injury or otherwise is in need of treatment. 1931, c. 78, s. 13.

Refusal of  
communic-  
able disease  
cases.

Rev. Stat.  
c. 299.

**13.** Nothing in this Act contained shall require that any hospital, other than an isolation hospital, admit or retain as a patient any person suffering from a communicable disease which under *The Public Health Act* or regulations made thereunder requires quarantine and placarding. 1931, c. 78, s. 14.

Refusal of  
non-  
residents.

**14.** Nothing in this Act contained shall, unless by refusal of admission life would thereby be endangered, require that any hospital admit as a patient any person who is not a

resident or a dependant of a resident of Ontario. 1931, c. 78, s. 15.

**15.** No hospital for incurables shall admit as a patient an indigent person or the dependant of an indigent person for the charges for whose treatment a municipality may be liable under this Act, until such person or dependent is certified in accordance with the regulations to be an incurable person. 1931, c. 78, s. 16.

Admission of incurable persons.

**16.**—(1) Subject as in this Act may otherwise be provided, when any patient in a hospital other than a hospital for incurables is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at a rate not exceeding \$1.75 per day, except that in the case of a hospital which, under the regulations, is classed as a convalescent hospital the payment of such charges shall be at a rate not exceeding \$1.25 per day, and when any patient in a hospital for incurables is certified in accordance with the regulations to be an incurable person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for incurables for payment of the charges for treatment of such patient at a rate not exceeding \$1.50 per day. 1933, c. 51, s. 3; 1934, c. 54, s. 16 (1); 1936, c. 52, s. 2.

Municipal liability for indigents.

(2) Where in the opinion of the Minister liability under this section would in any year unduly burden any municipality in a territorial district, other than a city, the Lieutenant-Governor in Council upon the recommendation of the Minister may make special grants by way of provincial aid to relieve in whole or in part such municipality from the burden. 1931, c. 78, s. 18 (2).

Relief of certain municipalities.

**17.** With the approval of the Minister, a municipality may enter into an annual agreement with a hospital respecting the admission and treatment of all indigent persons and dependants of indigent persons residents in such municipality, and in such case the liability of the municipality to such hospital shall be determined according to such agreement in lieu of under this Act. 1931, c. 78, s. 19.

Municipal agreements as to indigents.

**18.** A municipality may pay to a hospital the charges for treatment of a patient notwithstanding that such patient was not a resident in such municipality at the time of admission to such hospital. 1931, c. 78, s. 20.

Liability for non-residents may be assumed.

Burial  
expenses.

**19.** In the event of the death in a hospital of any patient who is an indigent person or a dependant of an indigent person, that municipality in which such indigent person was a resident at the time of admission shall pay to the hospital any expenses of burial which it may incur, but not exceeding \$30. 1931, c. 78, s. 21 (1).

Notice of  
admission  
to municipi-  
pality.

**20.**—(1) Upon admission to a hospital of any patient who is or is represented to be or becomes an indigent person or the dependant of an indigent person the superintendent shall by registered letter notify the clerk of the municipality in which such indigent person is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person. 1931, c. 78, s. 22; 1936, c. 52, s. 3 (1).

Indigency  
after  
admission.

(2) Where any patient becomes an indigent after admission to a hospital the superintendent shall notify the clerk of the municipality in accordance with the provisions of subsection 1 when the indigency becomes known to the superintendent. 1936, c. 52, s. 3 (2).

Notice  
disputing  
liability.

**21.** Unless the clerk of a municipality within twenty days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the patient referred to therein was not a resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality shall be liable for the charges for treatment of such patient as provided for in this Act. 1931, c. 78, s. 23.

Information  
to be  
furnished.

**22.** The clerk of a municipality when notifying a superintendent that a patient is not a resident in the municipality or is not an indigent person or a dependant of an indigent person, shall furnish such information as he may have ascertained with respect to such patient. 1931, c. 78, s. 24.

Cases where  
residence  
not pre-  
sumed.

**23.** For the purpose of this Act, no patient shall be deemed to be a resident in a municipality,—

Persons  
seeking  
medical aid.

(a) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a hospital in such municipality; or

Health  
seekers  
in the  
districts.

(b) if the municipality is in a territorial district, and such patient being infected or likely or suspected of being infected with tuberculosis has gone to such municipality principally for the purpose of health and within



one year after going to such municipality is admitted as a patient in a hospital, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district; or

- (c) if such patient has been living in the municipality by <sup>Pupils.</sup> reason of being a pupil in any school, college, university, training school for nurses established under *The Nurses Registration Act*, or other seminary of <sup>Rev. Stat. c. 230.</sup> learning therein and at the time he became such a pupil was not a resident therein, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such a pupil; or
- (d) by reason of having been a patient or an inmate of <sup>Institutional inmates.</sup> a hospital, sanatorium, house of refuge, orphanage, children's shelter or child welfare institution, gaol, reformatory, prison or other public institution in the municipality and otherwise was not a resident therein, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such an inmate or patient. 1931, c. 78, s. 25; 1936 c. 52, s. 4.

**24.**—(1) Where the corporation of a county has not made <sup>County's right to contribution.</sup> an agreement under the provisions of section 17, it shall have the right to recover not exceeding one-half of the charges paid by it in respect to treatment in a hospital of any patient for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such patient was a resident at the time of admission.

(2) Except in cases of emergency, as to which the superintendent of the hospital shall be the sole judge, no indigent person or dependant of an indigent person resident in a township bordering on a city or separated town shall be admitted as a patient in a hospital in such city or separated town without an order in writing signed by the medical officer of health of such township, and where in case of emergency an indigent person or a dependant of an indigent person is admitted as a patient without such an order liability for charges for treatment of such patient shall not continue beyond a period of seven days from the admission unless the order is obtained by the hospital. 1931, c. 78, s. 26. <sup>Admissions on order of M.O.H. in certain cases.</sup>

Residence of  
dependant.

**25.** A dependant of an indigent person shall for the purpose of this Act be deemed to be a resident in that municipality in which such indigent person is resident. 1931, c. 78, s. 27.

Incurable  
persons in  
hospitals.

**26.** When a patient in a hospital other than a hospital for incurables for the charges for whose treatment a municipality is liable under this Act, is certified in accordance with the regulations to be an incurable person, the hospital may require of the municipality liable that such patient be removed from the hospital within seven days after notice has been given by registered letter to the clerk thereof, and failing which removal the hospital shall be entitled to charge the municipality liable, twenty-five cents per day in addition to any other charges provided to be paid under this Act while such patient remains in the hospital. 1931, c. 78, s. 28.

Babies born  
in hospital.

**27.** When a baby is born in a hospital it shall for the purposes of this Act be deemed to be a patient and if the baby of an indigent person, shall be deemed to be a resident in that municipality in which such indigent person is a resident, and the municipality shall be liable for the treatment of a baby as the dependant of an indigent person at a rate of sixty cents per day for a period not exceeding fourteen days after the birth of such baby. 1931, c. 78, s. 29; 1933, c. 51, s. 4.

Statements  
of account  
to be  
rendered.

**28.** When under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality the hospital to which such patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction. 1931, c. 78, s. 30.

Municipal  
right of  
recourse  
against  
patient.

**29.** Upon payment by a municipality of any account rendered to it by a hospital for treatment of a patient or on payment by it of any expenses of burial of a deceased patient, such municipality may recover from the patient, or, in the event of his decease, from his estate or personal representatives, or, in the case of a dependant, from any person liable in law in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction. 1931, c. 78, s. 31.

Municipal  
right of  
recourse  
against  
proper  
municipality.

**30.** Upon payment by a municipality to a hospital of any account for treatment of a patient or upon payment of any expense of burial of a deceased patient by reason of such patient having been assumed to be a resident in such municipi-

pality and it being ascertained that such patient was not a resident therein but at the time of admission to the hospital was a resident in another municipality in Ontario, the municipality which made the said payment may recover the amount thereof as a debt from the municipality in which such patient was a resident and upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred under section 29. 1931, c. 78, s. 32.

**31.** Nothing in this Act contained shall render a municipality liable for payment of the charges for treatment of a patient where such charges are payable by the Workmen's Compensation Board or an employer under *The Workmen's Compensation Act*. 1931, c. 78, s. 33.

Workmen's  
Compensation Board  
cases, etc.

Rev. Stat.  
c. 204.

**32.**—(1) Subject to the provisions of this Act and of the regulations, provincial aid shall be distributed and may be paid out of any moneys appropriated for such purposes by the Legislature, as follows:

Provincial  
aid.

- (a) For treatment of every patient who is an indigent person or the dependant of an indigent person, other than a baby, as in clause *b* mentioned, at the rate of sixty cents per day for every day up to one hundred and twenty days that such patient is receiving treatment in a hospital except that in the case of a convalescent hospital, payment shall be at the rate of forty cents per day up to one hundred and twenty days, provided that in either case the inspector shall have authority to extend payment up to an additional sixty days in any case where he deems further treatment to be essential. 1931, c. 78, s. 34 (1), cl. (a); 1934, c. 54, s. 16 (2); 1935, c. 66, s. 15 (2); 1936, c. 52, s. 5.
- (b) For treatment of every patient who is a baby of an indigent person born in a hospital at the rate of thirty cents per day for every day up to fourteen days after birth that such patient is receiving treatment in a hospital.
- (c) For treatment of every patient mentioned in clause *a* at the rate of ten cents per day for every day in excess of one hundred and twenty days that such patient is receiving treatment in a hospital.
- (d) For treatment of every patient who is an indigent person or the dependant of an indigent person and who has actually resided in unorganized territory

Initial  
indigent  
rate of aid.

Baby rate  
of aid.

Secondary  
indigent  
rate of aid.

Indigent  
rate of aid  
for unorgan-  
ized  
territory.

for the period of three months within the five months next prior to admission to a hospital at the rate of \$2 per day for every day that such patient is receiving treatment in the hospital.

Incurable  
person's  
rate of aid.

- (e) For treatment of every incurable person admitted as a patient in a hospital for incurables at the rate of sixty cents per day for every day that such incurable person is receiving treatment in such hospital. 1931, c. 78, s. 34 (1), cls. (b-c).

Computing  
provincial  
aid.

- (2) In calculating the amount of provincial aid the day of departure of a patient or incurable person shall not be included. 1931, c. 78, s. 34 (2).

Provincial  
aid.

- (3) The Lieutenant-Governor in Council may at any time make such deductions from any money payable under the provisions of subsection 1 by way of provincial aid to any hospital as may be deemed necessary. 1933, c. 51, s. 5.

Limitation  
as to  
patients  
subject  
to aid.

- 33.** Except as otherwise provided in this Act, no provincial aid shall be granted to any hospital in respect of a patient therein if the charges received by the hospital in respect to such patient exceed, in the case of a hospital for incurables \$1.50 per day, and in all other hospitals \$1.75 per day from all sources other than provincial aid, and in the case of a convalescent hospital, ninety cents per day from all sources other than provincial aid. 1933, c. 51, s. 6; 1934, c. 54, s. 16 (3).

Maximum  
aid not to  
exceed  
municipal  
aid.

- 34.** Unless the Lieutenant-Governor in Council otherwise directs the provincial aid which may be granted in any year to a hospital established elsewhere than in a territorial district shall not exceed the total of all amounts received by such hospital in that year from municipalities under the provisions of this Act. 1931, c. 78, s. 36.

No aid  
where hos-  
pital self-  
sustaining.

- 35.** No provincial aid shall be granted to a hospital for any year in which the revenues of such hospital are equal to or exceed the expenditures for operation and maintenance of the hospital, unless the Lieutenant-Governor in Council otherwise directs. 1931, c. 78, s. 37.

No aid while  
approval  
revoked, etc.

- 36.** No provincial aid shall be granted to any hospital the approval of which has been revoked or suspended, or to any hospital which does not comply with the provisions of this Act and the regulations. 1931, c. 78, s. 38.



**37.** When from any cause provincial aid to any hospital has not been granted or the grant thereof has been withdrawn or withheld, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct that such aid be granted or restored in whole or in part, but not until the approval of such hospital has been revived or until compliance with the provisions of this Act or the regulations is made, as the case may be. 1931, c. 78 s. 39. <sup>Restoration of aid.</sup>

#### GENERAL.

**38.** Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall incur a penalty of not less than \$5 and not exceeding \$500, recoverable under *The Summary Convictions Act*. 1931, c. 78, s. 40. <sup>Penalties. Rev. Stat., c. 136.</sup>

**39.** Any action against any hospital or any person for anything done or purporting to be done in pursuance of this Act brought by or on behalf of any person who has been admitted as a patient in such hospital and has been discharged therefrom shall be commenced within six months after his discharge. 1932, c. 53, s. 39 (1); 1935, c. 66, s. 15 (3). <sup>Limitation of action.</sup>

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## CHAPTER 391.

## The Private Hospitals Act.

Interpre-  
tation.

## 1. In this Act,—

“Depart-  
ment.”

- (a) “Department” shall mean the Department of Health for Ontario;

“House.”

- (b) “House” shall include any building, tent or other structure, whether permanent or temporary, intended for human habitation, and where there are two or more such structures in the occupation of the same person and situate on the same piece of land they shall be deemed to constitute a single house within the meaning of this Act;

“Inspector.”

- (c) “Inspector” shall mean an officer of the Department designated as an inspector;

“Maternity  
hospital.”

- (d) “Maternity hospital” shall mean a private hospital for the reception and care of patients in or in respect of child-birth;

“Medical  
and surgical  
hospital.”

- (e) “Medical and surgical hospital” shall mean a private hospital for the reception of any class of patients other than those last mentioned;

“Minister.”

- (f) “Minister” shall mean the member of the Executive Council charged for the time being with the administration of this Act;

“Patient.”

- (g) “Patient” shall mean a person admitted to a private hospital for the purposes of treatment;

“Private  
hospital.”

- (h) “Private hospital” shall mean a house in which four or more patients are or may be admitted for treatment other than,—

Rev Stat.,  
c. 390.

- (i) a hospital under
- The Public Hospitals Act*
- ;

Rev. Stat.,  
c. 395.

- (ii) a sanatorium under
- The Sanatoria for Consumptives Act*
- ;

- (iii) a hospital or other establishment or institution wholly or mainly supported by provincial aid;

Rev. Stat.,  
c. 394.

- (iv) an institution in respect of which a license under
- The Private Sanitaria Act*
- is in force;
- 
- or

- (v) an institution for the reclamation and cure <sup>Rev. Stat., c. 266.</sup> of habitual drunkards established under *The Municipal Act*;

and, without restricting the generality of the foregoing, "private hospital" shall include a convalescent home, rest home, private sanatorium for consumptives, private refuge for the aged or infirm and any other hospital, home, refuge or other premises which may be declared by the Lieutenant-Governor in Council to be subject to this Act;

- (i) "Regulations" shall mean any regulations made under <sup>"Regulations."</sup> this Act;
- (j) "Superintendent" shall mean the person who has for <sup>"Superintendent."</sup> the time being the direct and actual superintendence and charge of a private hospital;
- (k) "Treatment" shall mean and include the stay, main- <sup>"Treatment."</sup> tenance, observation, care, nursing and treatment of a patient. 1931, c. 77, s. 2.

**2.** The Lieutenant-Governor in Council upon the recom- <sup>Regulations.</sup> mendation of the Minister may make such regulations with respect to private hospitals as may be deemed necessary for,—

- (a) their construction, establishment, licensing, alteration, equipment, maintenance and repair;
- (b) their classifications, grades and standards;
- (c) their inspection, control, government, management, conduct, operation and use;
- (d) their superintendents, staffs, officers, servants and employees and the powers and duties thereof;
- (e) the admission, treatment, conduct, discipline and discharge of patients;
- (f) the classification of patients;
- (g) the records, books, accounting systems, audits, reports and returns to be made and kept; and
- (h) all other matters affecting private hospitals. 1931, c. 77, s. 4.

**3.** It shall be the duty of the Department and it shall have <sup>Powers of Department.</sup> power to administer and enforce the provisions of this Act and the regulations. 1931, c. 77, s. 5.

Inspectors.

**4.** The Minister, with the approval of the Lieutenant-Governor in Council, may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations, and the powers and duties of such inspectors shall be as prescribed by the regulations. 1931, c. 77, s. 6.

Powers of private hospitals.

**5.** Every private hospital shall have power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do; but where the provisions of any general or special Act heretofore passed conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail. 1931, c. 77, s. 7.

License for hospital.

**6.**—(1) No house shall be used as a private hospital except under the authority of a license issued by the Minister under this Act.

Penalty.

(2) If any house is used as a private hospital in breach of this section the occupier and all persons concerned in the management of the house, or in the admission to or treatment of any patient therein, shall severally incur a penalty not exceeding \$25 for every day during which such use is continued. 1931, c. 77, s. 8.

Application for license.

**7.**—(1) Every application for a license to keep a private hospital shall be made in writing to the Minister and shall contain the following particulars,—

- (a) the full name, place of abode and occupation of the applicant;
- (b) a statement of the estate or interest of the applicant in the house in respect of which the license is desired;
- (c) a statement of the number of patients proposed to be admitted in the house and in each room or apartment of the house;
- (d) a description of the situation of the house;
- (e) a plan of the house on a scale of not less than an eighth of an inch to the foot;
- (f) a statement of the length, breadth and height of every room and apartment in the house, including operating and subsidiary rooms;
- (g) a statement of the rooms or apartments to be used exclusively by patients, and of those to be used



exclusively by the licensee or the superintendent or by persons other than patients;

- (h) a statement of the sanitary arrangements, ventilation, heating and water supply of the house;
- (i) a full description of the fire escapes of the house and the facilities provided for use in case of fire;
- (j) a statement as to the classes of patients proposed to be admitted.

(2) Every such application shall be verified by the statutory declaration of the applicant and shall be accompanied by a fee of \$15. 1931, c. 77, s. 9.

Verification  
of appli-  
cation.  
  
Fee.

**8.** No license shall be granted unless the house and its location with regard to adjoining dwelling houses are approved by an inspector as suitable for the purposes indicated in the application, and the Minister is satisfied as to the character and fitness of the applicant. 1931, c. 77, s. 10.

**9.—**(1) Every private hospital shall according to the tenor of the license issued in respect thereof be either,—

Kinds  
of licensed  
private  
hospitals.  
  
Maternity.  
  
Medical.  
  
Maternity  
and medical.  
  
Other  
classes.

- (a) a licensed maternity hospital; or
- (b) a licensed medical and surgical hospital; or
- (c) a hospital licensed both as a maternity and as a medical and surgical hospital; or
- (d) a hospital licensed for the treatment of such other class or classes of patients in this Act and the regulations provided. 1931, c. 77, s. 11 (1); 1935, c. 66, s. 14 (1).

(2) Every license shall state the maximum number of patients who may be admitted in the hospital at any one time.

Number  
of patients.

(3) A license may be limited to the admission of any particular class or classes of patients.

Limitation  
of patients.

(4) Every license shall expire on the 30th day of September next following the date of its issue, but may be renewed in accordance with the regulations. 1931, c. 77, s. 11 (2-4).

Duration  
of license.

**10.** The fee for renewal of a license shall be \$5. 1931, c. 77, s. 12.

Annual fee.

**11.** When a license has been issued to two or more persons jointly, and during the currency thereof any of those persons dies leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors. 1931, c. 77, s. 13.

Condition  
of license  
notwith-  
standing  
death of one  
of joint  
licensees.

Transfer of  
license upon  
application  
of licensee.

**12.** On the application in writing signed by the licensee and by any person to whom he desires that his license shall be transferred, the Minister may, by endorsement on the license or otherwise in writing, transfer the license to that person, and thereupon that person shall become the licensee of the private hospital with the same rights and obligations as if the license had been granted to him. 1931, c. 77, s. 14.

Transfer or  
revocation of  
license upon  
death of  
licensee.

**13.**—(1) If the licensee or the sole surviving licensee dies the Minister may, by endorsement on the license or otherwise in writing, transfer the license to any person nominated by the executors or administrators of the deceased licensee, and that person shall thereupon become the licensee of the private hospital with the same rights and obligations as if the license had been granted to him.

Continu-  
ation of  
license until  
revoked.

(2) During the currency of a license and any renewal thereof and until the license is revoked under this Act the private hospital shall continue to be a licensed hospital, and the superintendent and other officers shall be deemed for the purposes of this Act to continue in office in the same manner as if the licensee were still living.

Revocation  
under such  
circum-  
stances.

(3) If the license is not transferred under the authority of this section within two months after the death of the licensee or of the sole surviving licensee the Minister may by writing under his hand revoke the license, and notice of the revocation shall be published in the *Ontario Gazette*. 1931, c. 77, s. 15.

Revocation  
of license.

**14.**—(1) A license may at any time be revoked by the Minister, if,—

Default in  
payment of  
license fee.

(a) the licensee has made default for three months in paying the annual license fee;

Conviction  
of offences  
against Act.

(b) the licensee or superintendent has been convicted of an offence against this Act or of any offence punishable by imprisonment; or

Premises  
unsanitary.

(c) in the opinion of an inspector the hospital premises are unsanitary or without proper fire protection, or the private hospital is managed or conducted in such a manner that the revocation of the license is required in the public interest.

Notice  
to licensee.

(2) Before a license is revoked the Minister shall give notice to the licensee or superintendent of the ground on which it is proposed to revoke the license, and shall afford to him an opportunity of showing cause why the license should not be revoked.

(3) Any such notice may be given to the licensee or superintendent, either personally or by leaving it at the hospital with an officer or employee thereof or by mailing the same by registered letter postage prepaid addressed to such licensee or superintendent at the hospital and the revocation shall be effected by writing under the hand of the Minister, and notice of the revocation shall be published in the *Ontario Gazette*. Service of notice.

(4) The decision of the Minister as to the revocation of a license shall be final and conclusive and shall not be questioned in any court or in any proceeding. 1931, c. 77, s. 16. Decision of Minister final.

**15.**—(1) No structural alteration of or addition to any private hospital shall be made until a plan of the proposed alteration or addition has been given to and approved by an inspector. Approval by Inspector of structural alterations.

(2) If any alteration or addition is made in breach of this section, the licensee shall incur a penalty not exceeding \$100. 1931, c. 77, s. 17. Penalty.

**16.**—(1) For every private hospital there shall, if required by the regulations, at all times be a superintendent resident on the premises who may be the licensee himself, if qualified under this section, and shall be either a legally qualified medical practitioner or a trained graduate nurse. Superintendent of licensed hospital.

(2) No person other than a licensee shall be appointed as the superintendent until his name and qualification have been notified to an inspector and he has approved of the appointment. Inspector's approval.

(3) During the temporary absence, illness or incapacity of the superintendent the licensee may, without notice to the inspector, appoint as acting superintendent any other person qualified in accordance with this section, and every person so appointed shall, while he so acts, be deemed for the purposes of this Act, to be the superintendent, but he shall not so act, whether under the same or successive appointments, for a longer continuous period than four weeks. Acting superintendent.

(4) If at any time a private hospital is used as such while there is no duly qualified superintendent, or while the superintendent is not resident on the premises, the licensee shall incur a penalty not exceeding \$25 for every day during which it is so used. Penalty.

(5) The Minister may, because of special circumstances and on such terms and conditions as he thinks fit, by warrant under his hand temporarily exempt any private hospital from the requirements of subsection 1. Exemption by Minister.

With-  
drawal of  
exemption.

(6) Any exemption so granted may be withdrawn by him by notice under his hand and delivered to the licensee of the hospital. 1931, c. 77, s. 18.

Register of  
patients.

**17.**—(1) In every private hospital there shall be kept a register of patients in which shall be entered the following particulars,—

Name, etc.,  
of patients.

(a) the name, age and usual place of abode of every patient, and date of his admission into the hospital;

Name  
of medical  
practitioner.

(b) the name of the medical practitioner, if any, attending each patient;

Date  
of patient's  
departure  
or death.

(c) the date at which each patient leaves the hospital or, in the event of the death of a patient in the hospital, the date of his death;

Other  
particulars.

(d) such other particulars as may be prescribed by an inspector.

Entry of  
particulars.

(2) Such particulars shall be entered in the register as soon as practicable after the occurrence of the act or event to which the entry relates.

Penalties.

(3) Every person who knowingly makes in the register an untrue entry shall incur a penalty not exceeding \$200.

Idem.

(4) Every licensee who fails to make or cause to be made any entry in the register required by this Act to be made therein shall incur a penalty not exceeding \$50. 1931, c. 77, s. 19.

Inspection  
by inspector.

**18.** Every private hospital and the registers thereof shall at all times be open to inspection by an inspector. 1931, c. 77, s. 20.

Power  
of inspector  
to enter un-  
licensed  
premises.

**19.** If an inspector believes or suspects that any house is used as a private hospital without being licensed he may at any time and from time to time by himself, or by any person authorized by him, enter and inspect such house and every part thereof, and any person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection shall incur a penalty not exceeding \$200. 1931, c. 77, s. 21.

Penalty.

Use of  
licensed  
hospitals.

**20.**—(1) A private hospital shall not be used for any purpose other than the purposes in respect of which the license is granted and purposes reasonably incidental thereto.

Penalty.

(2) If a private hospital is used in any manner contrary to the provisions of this section the licensee and superintendent



shall severally incur a penalty not exceeding \$25 for every day during which it is so used. 1931, c. 77, s. 22.

**21.** If at any time a private hospital is used for the treatment of a greater number of patients than is permitted by the license, or for the admission of any patient of a class not authorized by the license, the licensee and the superintendent shall severally incur a penalty not exceeding \$25 for every day during which it is so used. 1931, c. 77, s. 23.

Reception of more than authorized number of patients.

Penalty.

**22.**—(1) The superintendent of a private hospital shall be deemed to be the occupier of the house for the purpose of giving notice under *The Public Health Act* of any patient found or suspected to be suffering from any communicable disease.

Who to be deemed the occupier for certain purposes. Rev. Stat., c. 299.

(2) The superintendent of a private hospital shall be deemed to be the occupier thereof for the purpose of giving notice or information under *The Vital Statistics Act* of the death of any person or of the birth of any child in the hospital. 1931, c. 77, s. 24.

Idem.

Rev. Stat., c. 88.

**23.** Any person who contravenes any of the provisions of this Act or of any regulation made thereunder where a penalty is not provided herein shall incur a penalty of not less than \$5 and not exceeding \$500, and all penalties provided for herein shall be recoverable under *The Summary Convictions Act*. 1931, c. 77, s. 25.

Penalties.

Rev. Stat., c. 136.

**24.**—(1) In any prosecution for an offence against this Act the burden of proving that any person residing in a house and there receiving medical treatment is not a patient within the meaning of this Act shall be upon the person charged.

Burden of proof in prosecutions.

(2) In any prosecution for an offence against this Act the burden of proving that a license is in force, and of proving its terms, and that any person apparently having the charge, control or management of a private hospital is not the superintendent thereof within the meaning of this Act shall be upon the person charged. 1931, c. 77, s. 26.

Idem.

**25.** With the approval of the Minister, a municipality may enter into an annual agreement with a private hospital respecting the admission and treatment of indigent persons and dependants of indigent persons in such municipality, and in such case the liability of the municipality to the private hospital shall be determined according to such agreement, and the Minister may terminate any such agreement at any time by thirty days' notice in writing under his hand to the parties thereto. 1935, c. 66, s. 14(2).

Municipal agreements as to indigents.

## CHAPTER 392.

## The Mental Hospitals Act.

## PART I

Interpreta-  
tion.

1. In this Act and the regulations, unless the context otherwise requires,—

"Approved  
home."

(a) "Approved home" shall mean a home to which patients may be released from an hospital or hospital school in the manner provided under this Act and the regulations;

"Child."

(b) "Child" shall include son and daughter;

"Depart-  
ment."

(c) "Department" shall mean the Hospitals Division of the Department of Health for Ontario;

"Deputy  
Minister."

(d) "Deputy Minister" shall mean the officer appointed to be in charge of the Department;

"Examina-  
tion unit."

(e) "Examination unit" shall mean a place to which any person may be sent for observation, care and treatment in the manner provided under this Act and the regulations;

"Habitue."

(f) "Habitue" shall mean an alcoholic or drug habitue;

"Hospital."

(g) "Hospital" shall mean an hospital established under this Act and shall include every approved home and examination unit connected therewith or forming part thereof;

"Hospital  
school."

(h) "Hospital school" shall mean a school established under this Act for mental defectives and shall include every approved home and examination unit connected therewith or forming part thereof;

"Inspector."

(i) "Inspector" shall mean an officer of the Department appointed as an inspector for any of the purposes of this Act and the regulations;

"Institu-  
tion."

(j) "Institution" shall mean and include hospital, hospital school and examination unit;

"Mental  
defective"  
and  
"mentally  
defective  
person."

(k) "Mental defective" and "mentally defective person" shall mean a person in whom there is a condition of arrested or incomplete development of mind, whether arising from inherent causes or induced by disease or

injury, and who requires care, supervision and control for his own protection or welfare or for the protection of others;

- (l) "Mental deficiency" shall mean the condition of mind of a mental defective; <sup>"Mental deficiency."</sup>
- (m) "Mentally ill person" shall mean a person other than a mental defective who is suffering from such a disorder of the mind that such person requires care, supervision and control for his own protection or welfare, or for the protection of others; <sup>"Mentally ill person."</sup>
- (n) "Mental illness" shall mean the condition of mind of a mentally ill person; <sup>"Mental illness."</sup>
- (o) "Minister" shall mean the Minister of Health for Ontario or such other member of the Executive Council as is charged for the time being with the administration of this Act; <sup>"Minister."</sup>
- (p) "Parent" shall include father and mother; <sup>"Parent."</sup>
- (q) "Patient" shall mean a person admitted under this Act and the regulations to an institution; <sup>"Patient."</sup>
- (r) "Regulations" shall mean regulations made under the authority of this Act; <sup>"Regulations."</sup>
- (s) "Steward" shall mean an officer of the Department who is appointed as the steward of an institution; <sup>"Steward."</sup>
- (t) "Superintendent" shall mean an officer of the Department who is appointed as the superintendent of an institution. 1935, c. 39, s. 2. <sup>"Superintendent."</sup>

**2.** The provisions of this Act shall apply to such institutions as may from time to time be designated by the regulations. 1935, c. 39, s. 3. <sup>Application to certain institutions.</sup>

**3.—(1)** Every hospital established under this Act shall be known as "The Ontario Hospital" followed by the name of the city or town at or near which such hospital is located, or such name as the Lieutenant-Governor in Council may designate. <sup>Names of hospitals.</sup>

**(2)** Every hospital school established under this Act shall be known as "The Ontario Hospital School" followed by the name of the city or town at or near which such hospital school is located, or such name as the Lieutenant-Governor in Council may designate. 1935, c. 39, s. 4. <sup>Names of hospital school.</sup>

Exempted  
from the  
Act.

Rev. Stat.,  
c. 394.

Rev. Stat.,  
c. 393.

4. This Act shall not apply to,—

- (a) a sanitarium subject to *The Private Sanitaria Act*;
- (b) a psychiatric hospital established under *The Psychiatric Hospitals Act*. 1935, c. 39, s. 5.

Regulations.

5.—(1) The Lieutenant-Governor in Council may make such regulations not inconsistent with this Act as are necessary for carrying out the provisions of this Act and for the efficient administration thereof, and such regulations shall have the same force and effect as if enacted in this Act and such regulations may be repealed, altered or amended from time to time in like manner.

Idem.

(2) Without limiting the generality of the provisions contained in subsection 1, it is declared that the powers of the Lieutenant-Governor in Council to make regulations in the manner set out in the said subsection shall extend to and include the following,—

- (a) designating the institutions to which the Act shall apply;
- (b) prescribing the district served and classes of patient to be treated in any institution;
- (c) the powers and duties of the Deputy Minister;
- (d) the appointment of superintendents, inspectors, stewards, assistants, clerks and other officers and employees and prescribing their powers and duties;
- (e) regulating the inspection, superintendence, government, management, conduct, operation, maintenance, care and use of institutions and equipment;
- (f) regulating the apprehension and admission of persons;
- (g) regulating the care, treatment, maintenance, conduct, discipline, custody, transfer, probation, release, discharge and apprehension of patients;
- (h) prescribing the forms relating to patients and their admission to, maintenance in, transfer, release or discharge from institutions, and all other forms required for the carrying out of the provisions of this Act and the regulations;
- (i) prescribing the records, books, accounting systems, audits, reports and returns to be made and kept respecting institutions;



- (j) regulating the financial business and affairs of institutions;
- (k) granting certificates of approval to approved homes and examination units and the fees payable therefor, and withdrawing such certificates;
- (l) fixing the situation, construction, and equipment of approved homes and examination units;
- (m) declaring that any provisions of this Act and the regulations shall not be applicable to approved homes and examination units;
- (n) prescribing the charges which shall be paid by the party liable for the maintenance of patients in institutions;
- (o) prescribing the amounts to be paid by the Department for the care and maintenance of patients who are in an approved home; and
- (p) generally, the control of all other matters in any way relating to institutions, and for the better carrying out of the provisions of this Act. 1935, c. 39, s. 6.

## PART II

### ADMINISTRATION AND CONTROL.

**6.**—(1) The administration of this Act and of every institution established thereunder, is vested in the Department, and the Deputy Minister shall be the chief executive officer of the Department responsible to and subject to the control of the Minister. Administration vested in the Department.

(2) Where this Act and the regulations require or authorize the Deputy Minister to do any act, such act may be done by any person whom the Deputy Minister shall appoint to do such act. 1935, c. 39, s. 7. Delegation of authority by Deputy Minister.

**7.** Subject to section 6, the superintendent of an institution shall be in charge of and have control over the institution for which he is appointed, and shall superintend the conduct and management of all its affairs and control all officers, clerks, servants and employees thereof and all the patients therein. 1935, c. 39, s. 8. Superintendent to control the institution.

**8.** The Lieutenant-Governor in Council may appoint inspectors with such designations or titles as he may deem expedient. 1935, c. 39, s. 9. Inspector.

Steward.

**9.** The financial business and affairs of an institution shall be in charge of the steward appointed thereto who shall be responsible to the superintendent of such institution. 1935, c. 39, s. 10.

Consent of  
Attorney-  
General  
for actions.

**10.**—(1) No action, prosecution or other proceedings shall be brought or be instituted against any officer, clerk, servant, or employee of the Department, or the Public Trustee, or against any other person for an act done in pursuance or execution or intended execution of any duty or authority under this Act or the regulations, or in respect of any alleged neglect or default in the execution of any such duty or authority, without the consent of the Attorney-General.

Limitation  
of actions.

(2) All actions and prosecutions against any person for anything done or omitted to be done in pursuance of this Act shall be commenced within six months after the act or omission complained of has been committed, and not afterwards.

Tort of  
patient.

(3) No action shall lie against any institution or any officer, employee or servant thereof for the tort of any patient. 1935, c. 39, s. 11.

Offences.

**11.**—(1) No person shall,—

- (a) assist any patient in escaping or attempting to escape from an institution; or
- (b) do or omit an act for the purpose of aiding any patient in escaping or attempting to escape from an institution; or
- (c) abet or counsel any patient to escape; or
- (d) visit, assist, counsel or communicate with any patient after having been prohibited in writing from doing so by the Deputy Minister or any superintendent.

Penalty.

(2) Every one who violates any of the provisions of subsection 1 shall be guilty of an offence and shall be liable to a fine of not less than \$25 and not exceeding \$100 and, in default of payment, to not more than thirty days' imprisonment.

Penalties  
for offences.

(3) Every person who violates any provision of this Act or the regulations shall be guilty of an offence under this Act and shall upon conviction, where no penalty has been specifically provided, be liable to a fine of not less than \$10 and not exceeding \$100 and, in default of payment, to imprisonment for not more than thirty days.

(4) Every penalty imposed for an offence under this Act shall be recoverable under *The Summary Convictions Act*, 1935, c. 39, s. 12.

Recovery of penalties.  
Rev. Stat.,  
c. 136.

### PART III

#### PATIENTS IN INSTITUTIONS.

**12.**—(1) Application for the admission of any person as a patient to an institution shall be made either verbally or in writing to the Deputy Minister or to a superintendent and no person shall be admitted to an institution until a direction has been issued by the Deputy Minister or a superintendent or other person in charge of an institution, and no person may present himself or be sent for admission to an institution until notice is received from the Deputy Minister or a superintendent that accommodation in an institution is available for such person.

Applications for admission.

(2) Where a direction and notice have been issued under subsection 1, the person named therein shall present himself or be taken to the institution named therein and shall be admitted to such institution in accordance with the provisions of such direction and notice. 1935, c. 39, s. 13.

Admission after notice issued.

**13.**—(1) Except as permitted by the regulations or by the Minister, no certificate or form required by this Act or the regulations with respect to any person shall be made, issued, given or signed by any medical practitioner who is by blood or marriage closely related to or connected with any other medical practitioner who makes, issues, gives or signs a certificate or form with respect to the same person.

Related practitioners not to issue certificates, etc.

(2) Except as permitted by the regulations or by the Minister, no certificate or form required by this Act or the regulations to be made, issued, given or signed by a medical practitioner respecting any person shall be made, issued, given or signed by a medical practitioner who is by blood or marriage closely related to or connected with such person. 1935, c. 39, s. 14.

Practitioner not to be related to person examined.

**14.** Except as provided by this Act, the superintendent of an institution shall have full control over and the custody and care of the person of every patient in such institution and every patient shall be maintained, cared for, treated in, released and discharged therefrom only as may be provided by this Act and the regulations. 1935, c. 39, s. 15.

Superintendent to be in charge of patients.

Forms not  
invalid for  
defects  
in form or  
substance.

**15.** No form required by this Act and the regulations shall upon any application, by way of *certiorari*, or motion to quash or *habeas corpus*, be held insufficient or invalid for any irregularity, informality or insufficiency therein or by reason of any defect of form or substance. 1935, c. 39, s. 16.

Transfers  
to public  
hospitals.

**16.**—(1) Where the superintendent of any institution reports to the Deputy Minister that any patient therein requires hospital treatment which cannot be supplied therein, the Deputy Minister shall, if otherwise permitted by law, have authority to transfer such patient to a public hospital for treatment, which cannot be supplied in the institution.

Charges.

(2) The charges for such hospital treatment shall be paid by such patient unless he is an indigent person, in which case the charges shall be payable in the same manner as charges for indigent patients are payable under *The Public Hospitals Act*. 1935, c. 39, s. 17.

Rev. Stat.,  
c. 390.

Special  
inquiry  
by Deputy  
Minister or  
inspector.

**17.**—(1) Where the Deputy Minister or an inspector is authorized by the Minister to institute an inquiry into the management or affairs of any institution, or into any matter in connection therewith, or into the truth of any returns made by any officer thereof and deems that any person should give evidence before him on oath, the inspector or the Deputy Minister shall have the same power to summon such person to attend as a witness, to enforce his attendance and to compel him to produce documents and to give evidence as any court has in civil cases.

Inspector  
appointed  
under  
other Act.

(2) An inspector appointed under any other Act, the administration of which is under the charge of the Minister, may when authorized by the Minister exercise the powers conferred by subsection 1 in respect of any hospital or other institution subject to such other Act. 1935, c. 39, s. 18.

## PART IV

### MENTALLY ILL AND MENTALLY DEFECTIVE PERSONS.

Admission.

**18.** Any person who is mentally ill may be admitted to an institution as a voluntary patient, and any person who is mentally ill or mentally defective may be admitted to an institution as a,—

- (a) certificated patient;
- (b) Deputy Minister's warrant patient;
- (c) Lieutenant-Governor's warrant patient;



- (d) patient remanded by a judge or a magistrate in accordance with the provisions of this Act and the regulations. 1935, c. 39, s. 19.

**19.**—(1) The superintendent of an institution may receive and detain therein as a patient any person suitable for care and treatment who voluntarily makes written application in the prescribed form and whose mental condition, in the opinion of the superintendent, is such as to render him competent to make application. Voluntary patients, how admitted.

(2) Subject to the provisions of section 24, a person so received shall not be detained more than five days after having given notice in writing of his desire to leave the institution. Limit of period of detention.

(3) No person may be admitted as a voluntary patient who is,— When person not to be admitted as a voluntary patient.

- (a) a person suffering from mental illness or infirmity due to old age or from incurable disease for which general hospital or other institutional care is required;

- (b) a mental defective. 1935, c. 39, s. 20.

**20.**—(1) Certificated patients shall be admitted to an institution only upon the prescribed certificates of two medical practitioners, and in every case the history record and financial statement in the prescribed form shall accompany such certificate or certificates. Certificated patients.

(2) Every such certificate shall state and show clearly that the medical practitioner signing it personally examined the patient separately from any other medical practitioner and, after due inquiry into all the necessary facts relating to the case of the patient, found him to be mentally ill or mentally defective. Medical certificate.

(3) Each medical practitioner shall also in such certificate state the facts upon which he has formed his opinion of the mental illness or deficiency, distinguishing the facts observed by him from the facts communicated to him by others, and every such certificate shall be signed in the presence of one subscribing witness who shall not be a physician issuing a certificate, and shall show the date upon which the examination was made. Contents. Signature and attestation. Date.

(4) No person may be admitted as a certificated patient except within three months of the examination referred to in any certificate. 1935, c. 39, s. 21. Limitation of certificate.

To be  
completed  
in 7 days  
and  
forwarded  
in 14 days.

**21.** Every certificate shall be completed within seven days of the examination referred to therein and shall be forwarded within fourteen days of such examination to the Department or to the superintendent of the institution in the district where the patient resides, together with all other material required by this Act and the regulations. 1935, c. 39, s. 22.

Authority  
to convey  
and detain.

**22.** Subject to the provisions of section 12, the certificate or certificates, when accompanied by the forms mentioned in subsection 1 of section 20, shall be sufficient authority to any person to convey the patient to the institution and to the authorities thereof to detain him therein, or to the authorities of any other institution to which the patient may have been or may be removed by the order of the Deputy Minister to detain him in such institution as long as he continues to be mentally ill or mentally defective. 1935, c. 39, s. 23.

Examin-  
ation of  
destitute  
person.

**23.** In any municipality where a mentally ill or mentally defective person is in destitute circumstances and is a fit subject for hospital treatment, application may be made to the head of the municipality for an examination to be made and certificates given in accordance with section 20, and the head of the municipality, if satisfied that such person is in destitute circumstances, shall immediately notify two medical practitioners to make the required examination. 1935, c. 39, s. 24.

Certification  
of patient  
in an insti-  
tution.

**24.—(1)** Notwithstanding anything in subsection 2 of section 19, any mentally ill person who has been admitted as a voluntary patient and any habituate patient, or any person admitted under the provisions of section 35, or any person detained under section 60, may be continued as a certificated patient upon the certificates of two medical practitioners with the accompanying history record and financial statement in the prescribed form.

Practitioner  
not to be  
Depart-  
mental  
officer, etc.

**(2)** The certificates required by subsection 1 shall not be issued by any medical practitioner who is an officer of the Department, and a certificate upon which any patient was admitted to an examination unit shall not be a certificate for the purpose of this section.

Certificated  
patient.

**(3)** Upon a person being certificated under this section, he shall thereafter during the time he is a patient be a certificated patient within the meaning of this Act and be subject to the provisions of this Act and the regulations respecting certificated patients. 1935, c. 39, s. 25.

**25.**—(1) Where an information is laid before any justice of the peace that any person, within the limits of his jurisdiction, is or is suspected or believed by the person laying the information to be mentally ill or mentally defective, such justice of the peace may issue his warrant in the prescribed form to apprehend such person and to cause him to be brought before a magistrate having jurisdiction.

Warrant to apprehend mentally ill or mentally defective person.

(2) Every such warrant shall be under the hand of the justice of the peace issuing the same and may be directed to all or any of the constables or other peace officers of the locality within which the justice has jurisdiction, and shall name or otherwise describe the person against whom the information has been laid, and shall state that information has been laid on oath that such person is mentally ill or mentally defective.

Form of warrant.

(3) The warrant shall order the person to whom it is directed to apprehend the person against whom the information has been laid and to bring him before a magistrate having jurisdiction, in order that inquiry may be made respecting the mental condition of such person and that he may be further dealt with according to law.

Before whom returnable.

(4) Any person apparently mentally ill or mentally defective and conducting himself in a manner which in a normal person would be disorderly, may be apprehended without a warrant by any constable or peace officer and detained in some safe and comfortable place until the question of his mental condition is determined as prescribed by section 28.

Apprehension without warrant.

(5) Where the person alleged to be mentally ill or mentally defective has been apprehended under a warrant or in the manner provided in subsection 4, he shall be brought before a magistrate and the magistrate may thereupon by his order in the prescribed form direct that such person be confined in some safe and comfortable place, or in the custody of the constable or other person who apprehended him, or such other safe custody as the magistrate deems fit, until the question of his mental condition is determined. 1935, c. 39, s. 26.

Proceedings on apprehension.

**26.**—(1) The Minister may appoint one or more legally qualified medical practitioners in any territorial division for the purposes of this section.

Appointment of medical examiner.

(2) Immediately upon the apprehension of an alleged mentally ill or mentally defective person the magistrate before whom he is brought shall notify one of such medical practitioners, if any have been appointed, and one other legally

Examination by two medical practitioners.

qualified medical practitioner, or if no medical practitioner has been so appointed the magistrate shall notify two legally qualified medical practitioners and shall cause an examination to be made in the manner provided in section 20. 1935, c. 39, s. 27.

Hearing of  
evidence,  
inquiring  
among  
friends, etc.

**27.**—(1) The magistrate, in addition to the examination in section 26 prescribed, shall hear such evidence upon oath as may be adduced with reference to the mental condition of the said alleged mentally ill or mentally defective person and shall direct that inquiry be made as to his friends or relatives in order that the evidence of some person or persons who is or are acquainted with his family and previous habits may be had, and for the purpose of ascertaining whether the alleged mentally ill or mentally defective person is possessed of any and what property, and where the same is situate, and also as to the number of persons, if any, dependent upon him for support, and to elicit as far as possible all information in respect to the matters mentioned in the prescribed form, but if the magistrate finds that such inquiries will be expensive or that sufficient information has been obtained by other means, he shall not be required to make the inquiries by this section directed.

Adjourn-  
ment of  
inquiry.

(2) The magistrate may from time to time adjourn the inquiry and again commit to custody, as prescribed by subsection 5 of section 25, until proper inquiry is made as directed by this section. 1935, c. 39, s. 28.

Magistrate's  
certificate  
of mental  
illness or  
defect.

**28.**—(1) If, after reasonable inquiry has been made by the magistrate as herein directed, he is satisfied that such alleged mentally ill or mentally defective person is mentally ill or mentally defective, he shall certify accordingly in the prescribed form.

Discharge  
or other  
disposition.

(2) If both the medical practitioners making the examination do not agree, or if the magistrate is not satisfied that such person is mentally ill or mentally defective, the magistrate shall forthwith discharge him, or order such further examination as he shall deem expedient, or may remand him to an institution for a period not exceeding sixty days, in which case the provisions of subsections 2, 3 and 4 of section 35 shall apply *mutatis mutandis*. 1935, c. 39, s. 29.

Magistrate's  
certificate,  
etc., to be  
sent to  
Deputy  
Minister.

**29.**—(1) Where any such person is found to be mentally ill or mentally defective the magistrate shall immediately transmit to the Deputy Minister his certificate and the certificates of the medical practitioners and the information,



warrant and depositions taken before him, accompanied by a written statement of the result of his inquiries as to the financial condition of such mentally ill or mentally defective person and the person or persons legally liable for his maintenance, and as to the other matters mentioned in the prescribed form, so far as ascertained, and giving the present address of such mentally ill or mentally defective person, and the name and address of the person in whose custody he is, and such further information as he may deem advisable.

(2) The Deputy Minister, on receipt of such documents, shall arrange for the admission of such mentally ill or mentally defective person to an institution and shall issue a warrant in the prescribed form for his transfer thereto. 1935, c. 39, s. 30.

**30.** A magistrate in making an inquiry shall have the like authority for compelling the attendance of witnesses as he would have if acting under *The Summary Convictions Act*, and all the provisions of that Act as to procedure shall apply as nearly as may be to proceedings under this Act. 1935, c. 39, s. 31.

**31.**—(1) The Deputy Minister may, by warrant, transfer a patient from any institution to any other institution.

(2) Where a patient is transferred under subsection 1 from an hospital school to an hospital or from an hospital to an hospital school, such warrant shall be accompanied by such certificates as are required for the admission of a certificated patient to the institution to which the patient is being transferred.

(3) Where a patient is transferred under subsection 1 from the Ontario Hospital, Woodstock, to any other institution, or from any other institution to the Ontario Hospital, Woodstock, such warrant shall be accompanied by such certificates as are required for the admission of a certificated patient to the institution to which the patient is being transferred. 1935, c. 39, s. 32.

**32.**—(1) The Lieutenant-Governor, upon evidence satisfactory to him that any person imprisoned in any prison, reformatory, reformatory prison, reformatory school, industrial school or industrial refuge for an offence under the authority of any of the statutes of Ontario, or imprisoned for safe custody charged with an offence, or imprisoned for not finding bail for good behaviour or to keep the peace, is

mentally ill, mentally deficient or epileptic, may order the removal of such person to a place of safe keeping, and such person shall remain there, or in such other place of safe keeping as the Lieutenant-Governor from time to time may order, until his complete or partial recovery is certified to the satisfaction of the Lieutenant-Governor, who may then order such person back to imprisonment if then liable thereto, or otherwise to be discharged, provided that where such person is confined in an institution he shall, if and when he is not liable to imprisonment, be subject to the direction of the Minister, or such other person as the Lieutenant-Governor in Council may designate, who may make such orders or directions in respect of such person as he may deem proper.

Record of sentence to be sent to Deputy Minister.

Rev. Stat., c. 380.

(2) Where the Lieutenant-Governor has ordered the removal of any such person under subsection 1, a record of the sentence of such person shall be sent to the Deputy Minister by the officer referred to in subsection 1 of section 10 of *The Public Institutions Inspection Act*. 1935, c. 39, s. 33.

Warrant valid notwithstanding irregularity of prior proceedings.

• **33.** A warrant for the removal of any mentally ill or mentally defective person to an institution may be issued notwithstanding any irregularity or insufficiency in the warrant or order under which such person is imprisoned or confined or in any of the proceedings before the magistrate. 1935, c. 39, s. 34.

Deportation.

**34.** Upon its appearing to the Lieutenant-Governor that any mentally ill, mentally defective or epileptic patient detained in an institution has come or been brought into Ontario from elsewhere within thirty days prior to his committal to such institution, the Lieutenant-Governor may, by his warrant, authorize the removal of such person to the province or country from which he has so come or been brought. 1935, c. 39, s. 35.

Remand by judge or magistrate.

**35.**—(1) Any person may be admitted to an institution upon the order of a judge or magistrate where such person has been apprehended either with or without warrant and charged with any offence, provided that such order is accompanied by the prescribed history form, and provided also that such order shall be for a period not exceeding sixty days, and any order made under this section shall direct that such person shall be conveyed to the institution most conveniently situated to the place where the order is made.

Superintendent's report.

(2) Before the expiration of the time contained in the order of the judge or magistrate mentioned in subsection 1, the

superintendent shall report in writing the mental condition of such person to the judge or magistrate.

(3) Where in the opinion of such superintendent such person Certification. is mentally ill or mentally defective, he shall direct the examination of such person as provided for by section 24, and if the examining medical practitioners certify such patient to be mentally ill or mentally defective, he shall be detained as a certificated patient and shall be subject to all the provisions of this Act and of the regulations respecting certificated patients.

(4) Where in the opinion of the superintendent such patient Return of patient to court. is neither mentally ill nor mentally defective and where the superintendent has failed to obtain certificates in the prescribed form he shall discharge such person to the custody of the court by which he was ordered to the institution. 1935, c. 39, s. 36.

#### PROBATION.

**36.**—(1) If the superintendent considers it conducive to Probation. the recovery of any patient that he should be committed for a time to the custody of his family or friends, the superintendent may allow him to return on probation to them upon receiving a written undertaking in the prescribed form by one or more of the family or friends of such person that he or they will keep an oversight over him.

(2) If within six months from such release on probation the Return from probation. patient again becomes mentally ill or defective to such a degree that his confinement in an institution is necessary, the superintendent by whom he was released on probation or the Deputy Minister, may by warrant in the prescribed form directed to any constable or peace officer or other person, authorize and direct that such patient be apprehended and brought back to the institution from which he was released on probation, and such warrant shall be an authority to any one acting under it to apprehend the person named therein and to bring him back to the institution.

(3) No person admitted to an institution on the warrant of the Lieutenant-Governor shall be released on probation unless Patients liable to imprisonment. the Deputy Minister has certified to the superintendent that such person is no longer liable to be returned to imprisonment. 1935, c. 39, s. 37.

**37.** Any person admitted to an institution who, under the provisions of this Act or of the regulations is released on Application of the Act to probationers. probation therefrom, shall for the purposes of this Act and the regulations for a period of six months from the date of such

release be and be deemed to continue as a patient in such institution in the same manner and to the same extent and be subject to the same control as if he were not so released but had remained in the institution. 1935, c. 39, s. 38.

#### APPROVED HOME.

Certificate  
for approv-  
ed home.

**38.** The Minister may issue certificates approving of any building, premises or place as an approved home for the reception of patients who are released from an hospital or hospital school into the custody of such home and entitling any person to receive into the approved home one or more patients as if such approved home had been established as an hospital under the authority of this Act. 1935, c. 39, s. 39.

Release of  
patients to  
approved  
homes.

**39.**—(1) If the superintendent considers it conducive to the recovery of any patient, the superintendent may place such patient in an approved home, subject to the provisions of this Act and the regulations.

Patients  
liable to  
imprison-  
ment.

(2) No person admitted to an institution on the warrant of the Lieutenant-Governor shall be placed in an approved home unless the Deputy Minister has certified to the superintendent that such person is no longer liable to be returned to imprisonment. 1935, c. 39, s. 40.

Application  
of the Act  
to patients  
in approved  
homes.

**40.** Any patient admitted to an institution who is placed in an approved home shall for the purposes of this Act and the regulations be and be deemed to continue as a patient in such institution in the same manner and to the same extent and be subject to the same control, as if he were not so released but had remained in the institution. 1935, c. 39, s. 41.

#### DISCHARGE.

Voluntary  
patient.

**41.**—(1) A voluntary patient shall be discharged from the institution in which he is a patient—

(a) when, in the opinion of the superintendent, it is in the interest of such patient or of the hospital that he be discharged; or

Rev. Stat.,  
c. 394.

(b) for admission to a sanitarium which is subject to *The Private Sanitaria Act*; or

(c) in accordance with the conditions upon which he was admitted.



(2) A voluntary patient may be discharged when default is made in payment of his maintenance. 1935, c. 39, s. 42. Discharge of voluntary patient.

**42.** A certificated patient shall be discharged from the institution in which he is a patient— Certificated patient.

(a) when, in the opinion of the superintendent, he is sufficiently recovered; or

(b) when, although not recovered, he may be admitted to a sanitarium which is subject to *The Private Sanitaria Act*. 1935, c. 39, s. 43. Rev. Stat., c. 394.

**43.—**(1) Any patient who has been admitted to an institution on the warrant of the Lieutenant-Governor or Deputy Minister shall be discharged from the institution in which he is a patient— Lieutenant-Governor's and Deputy Minister's warrant patient.

(a) when, in the opinion of the superintendent, he is sufficiently recovered; or

(b) when, although not recovered, he may be admitted to a sanitarium which is subject to *The Private Sanitaria Act*. Rev. Stat., c. 394.

(2) The superintendent shall not discharge any patient under this section unless the Deputy Minister has certified to the superintendent that such person is no longer liable to imprisonment. 1935, c. 39, s. 44. Discharge.

**44.** The Deputy Minister may, upon the report of an inspector, direct that any patient in an institution whose mental condition is due to senility and whose conduct is recorded as quiet and harmless and who is a proper subject for care in a house of refuge, be discharged from such institution and placed in a house of refuge in the county in which he was a resident at the time of admission to the institution and the board of management and superintendent of such house of refuge shall admit such person and maintain him therein. 1935, c. 39, s. 45. Removal of patient to house of refuge.

#### ESCAPE AND APPREHENSION.

**45.—**(1) Any patient admitted to an institution who escapes therefrom or who, contrary to the provisions of this Act or the regulations, leaves or is taken away or removed therefrom may be apprehended without a warrant at any time within sixty days from the day of his escape by any peace officer, police officer or constable or any person appointed by the superintendent or the Deputy Minister. Apprehension of escaped patient.

Detention  
pending  
return to  
institution.

(2) Any patient upon his apprehension under the provisions of subsection 1 shall be taken to and confined in any place of detention and from thence and as speedily as possible be returned to an institution. 1935, c. 39, s. 46.

## PART V

### HABITUES.

Voluntary  
admission.

**46.**—(1) The superintendent of an institution may receive and detain therein as a patient, any habitue for care and treatment who voluntarily makes written application in the prescribed form provided that in the opinion of such superintendent he is, at the time of his admission, capable of appreciating the fact that he is to be admitted as a voluntary patient.

Time of  
detention.

(2) Subject to section 24, such habitue may be detained in the institution for a period of one year, and no longer, and it shall be a condition of his admission to the institution that he shall remain therein such length of time, not exceeding one year, as, in the opinion of the superintendent, is required, and before admission is awarded he shall sign a pledge agreeing and consenting to such specified condition, and to faithfully conform himself to all the rules and regulations of the institution while an inmate of the same. 1935, c. 39, s. 47.

Pledge.

Commit-  
ment on  
judge's  
order.

**47.**—(1) On petition verified by oath, presented to a judge in chambers of the county or district court of the county or district in which the alleged habitue resides, setting forth that the alleged habitue is a *bona fide* resident of Ontario, and is so given over to the use of alcohol or drugs that he is unable to control himself or is incapable of managing his affairs or squanders or mismanages his property, or places his family in danger of distress, or transacts his business prejudicially to the interests of his family or his creditors, or that he uses drugs or intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health and shortening his life thereby, and praying that a hearing and examination of the matters and allegations set forth in the petition may be had, the judge shall direct that a copy of the petition, together with a notice of appointment in the prescribed form, shall be served upon the alleged habitue at least forty-eight hours before the time fixed for the hearing.

Who may  
petition.

(2) Such petition may be made by any relatives, whether by blood or affinity, or, if he has no relatives in Ontario by

any friend of the alleged habitue or by the family medical attendant. 1935, c. 39, s. 48.

**48.**—(1) The judge shall attend at the time and place <sup>Inquiry.</sup> named in the appointment and then and there proceed upon *viva voce* evidence to inquire into the matters and allegations set forth in the petition, and whether or not the alleged habitue is in attendance or is represented may proceed to inquire into the matters and allegations set forth in the petition provided that service of the appointment as required by section 47 is proven and he may in his discretion adjourn the inquiry from time to time.

(2) Where at the time that service of the appointment and of the copy of the petition is sought to be served, the alleged habitue is confined in an institution under the provisions of section 53 and is in the opinion of the superintendent suffering from the effects of alcohol or drugs to such a degree that he is incapable of appreciating the nature of such documents or is unable to attend before the judge on the return of the appointment, such superintendent shall report such facts to the judge in writing and the judge may, where he deems it expedient to do so, proceed with the inquiry in the absence of the alleged habitue. <sup>Where person petitioned against cannot appear.</sup>

(3) Where any such alleged habitue is detained in an institution under the provisions of section 53, the judge may order that such person be there detained until a date not later than ten days after the completion of the inquiry. 1935, c. 39, s. 49. <sup>Where the person is detained in an institution.</sup>

**49.** The judge shall have the same powers as to summoning witnesses, enforcing their attendances and the production of documents as in proceedings in the county or district court, and each party may retain counsel to conduct the proceedings and to examine witnesses. 1935, c. 39, s. 50. <sup>Powers of judge.</sup>

**50.**—(1) If the judge upon such inquiry finds the person petitioned against to be an habitue, and so given over to the use of alcohol or drugs as to render him unable to control himself and incapable of managing his affairs, or that on that account he squanders or mismanages his property, or places his family in danger of distress, or transacts his business prejudicially to the interests of his family or his creditors, or that he uses drugs or intoxicating liquors to such an extent as to render him dangerous to himself and others, or incurs the danger of ruining his health or shortening his life, the judge shall forthwith report the fact to the Deputy Minister and with <sup>Judge's report.</sup>

the report shall transmit the evidence taken accompanied by a written statement of the result of his inquiries as to the financial condition of such habitue, and the person or persons legally liable for his maintenance and giving the present address of such habitue and the name and address of the person in whose custody he is, and the names and addresses of such persons, if any, dependent upon him for support.

Hearing of evidence.

(2) For the purposes aforesaid, the judge shall hear such evidence upon oath and may require that some person or persons who is or are acquainted with his family and previous habits be heard for the purpose of ascertaining whether the said habitue is possessed of any and what property, and where the same is situated, and also as to the number of persons, if any, dependent upon him for support. 1935, c. 39, s. 51.

Deputy Minister's warrant.

**51.**—(1) Upon receipt of the report and evidence the Deputy Minister may by warrant direct the removal of the habitue to an institution to be placed under treatment and detained therein for a period not exceeding two years.

Detention pending removal to institution.

(2) The judge may order that such habitue be confined in some safe and comfortable place, or such other custody as the judge deems fit until such time as he may be removed to an institution. 1935, c. 39, s. 52.

Temporary commitment by two medical practitioners.

**52.**—(1) Any person who is suffering from the effects of alcohol or drugs may be admitted to an institution and detained therein for a period not to exceed thirty days on the certificates of two medical practitioners in the prescribed form accompanied by the prescribed history form.

Form of medical certificate.

(2) Such certificate shall state and show clearly that each of the medical practitioners signing it personally examined such person and as a result of such examination and of information communicated to him by other persons is of opinion that such person is suffering from the effects of alcohol or drugs to such a degree as to require hospital care.

Contents.

(3) Each medical practitioner shall also in such certificate state the facts upon which he has formed his opinion, distinguishing the facts observed by him from the facts communicated to him by others, and every such certificate shall be signed in the presence of one subscribing witness and shall show the date upon which the examination was made.

Limitation of certificate.

(4) No person shall be admitted as an habituate patient upon any such certificate except within three days of the examination referred to in any certificate. 1935, c. 39, s. 53.



**53.** The certificates when accompanied by the prescribed history form shall be sufficient authority for any one to convey such person to an institution, provided that permission, either verbally or in writing for such admission has been obtained from the Deputy Minister or the superintendent, and shall be sufficient authority for the superintendent to detain the person named therein. 1935, c. 39, s. 54.

**54.** The superintendent of any institution shall have full authority to discharge any patient who has been admitted to such institution as an habitue,—

- (a) when in the opinion of the superintendent he is sufficiently recovered; or
- (b) when it is in the interest of such patient or of the hospital that he be discharged; or
- (c) for admission to a sanitarium which is subject to *Rev. Stat., The Private Sanitaria Act*; or
- (d) when default is made in payment of his maintenance. 1935, c. 39, s. 55.

**55.** Sections 23, 24, 31, 36, 37, 38, 39, 40, 44 and 45 of this Act shall apply *mutatis mutandis* to habitues. 1935, c. 39, s. 56.

## PART VI

### EPILEPTICS.

**56.** The Ontario Hospital, Woodstock, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province and the object and design of such hospital shall be to provide for the treatment and custodial care of epileptics. 1935, c. 39, s. 57.

**57.** Any person suffering from epilepsy may be admitted to such hospital who is a—

- (a) voluntary patient;
- (b) certificated patient;
- (c) Deputy Minister's warrant patient;
- (d) Lieutenant-Governor's warrant patient;

(e) patient remanded by a judge or magistrate for observation in accordance with the provisions of this Act and the regulations. 1935, c. 39, s. 58.

Provisions  
applicable.

**58.** The provisions of sections 19 to 45 shall apply *mutatis mutandis* to the Ontario Hospital, Woodstock. 1935, c. 39, s. 59.

## PART VII

### EXAMINATION UNITS.

Certificate.

**59.** The Minister may issue certificates approving of any building, premises or place, or part of any building, premises or place including any part of any hospital or hospital school as an examination unit. 1935, c. 39, s. 60.

Admission  
of patients  
on medical  
certificate.

**60.**—(1) Any person who is or is believed to be in need of the observation, care and treatment provided in an examination unit may be admitted thereto for a period not exceeding thirty days with the permission of the Deputy Minister or superintendent, on the certificate of one medical practitioner in the prescribed form accompanied by the prescribed history form.

Authority  
to convey  
and detain.

(2) The certificate mentioned in subsection 1 shall be sufficient authority to any person to convey the person named therein to such examination unit and to the authorities of the said examination unit for his detention therein. 1935, c. 39, s. 61.

Limit  
of stay in  
examination  
unit.

**61.** No patient shall remain in an examination unit for a period in excess of thirty days, provided that the Deputy Minister shall have authority to extend the period for an additional sixty days in the case of any patient other than a patient who has been admitted according to the provisions of section 60. 1935, c. 39, s. 62.

Disposal of  
patients.

**62.**—(1) Where a person has been admitted to and is a patient in an examination unit according to the provisions of section 60, he shall be discharged, or certificated according to the provisions of section 24, as the needs of his case may require.

Certificated  
patients,  
removal of.

(2) Where a person has been certificated under subsection 1, he shall be transferred to an hospital or hospital school and he shall thereafter be subject to the provisions of this Act and the regulations with respect to patients in an hospital or hospital school. 1935, c. 39, s. 63.

## PART VIII

### LIABILITIES OF MUNICIPALITIES, MAINTENANCE, PROPERTY.

**63.**—(1) The necessary costs and expenses incurred under the provisions of sections 23 to 29 and section 35 in determining the mental condition of any person including a fee not exceeding \$5 and a travelling allowance of ten cents per mile of each medical practitioner who issues a certificate in respect of such person and the necessary expenses incurred in conveying such person to and from an institution shall be paid by the municipality from which such person came or was sent to an institution. Liability of municipality for costs of determining mental condition.

(2) Where such person is not in destitute circumstances the costs and expenses may be recovered by the municipality from his estate or from him or the person liable for his maintenance. Recovery from estate, etc.

(3) Subject to subsection 2 where the costs and expenses mentioned in subsection 1 hereof are paid by a municipality in which such person did not actually reside at the time of his admission to an institution, such costs and expenses may be recovered by the municipality paying the same from the municipality in which such person actually resided at the time of admission to the institution. Recovery from municipality where patient resided.

(4) Such costs and expenses shall be reimbursed to the corporation of the municipality by the corporation of the county where the municipality paying the same is a part of the county for municipal purposes. 1935, c. 39, s. 64. Reimbursement.

**64.**—(1) Where the Deputy Minister has reason to believe that any mentally ill, mentally defective or epileptic person has been or may be deported into Ontario from any place without Ontario, the Deputy Minister may issue a warrant in the prescribed form for the apprehension of such person and for his conveyance to an institution and for his admission and detention as a patient therein. Persons deported into Ontario.

(2) The warrant shall be sufficient authority to any person to apprehend the person named therein and to convey him to an institution and to the authorities thereof to admit and detain him as a patient therein for a period not exceeding thirty days. Apprehension.

(3) Within thirty days after the admission of any patient in accordance with the provisions of this section, two medical practitioners who may be officers of the Department shall examine such patient and if such practitioners certify such Examination of patient.

patient to be mentally ill, mentally defective or epileptic he shall be detained as a certificated patient and shall be subject to all the provisions of this Act and of the regulations respecting certificated patients.

Discharge.

(4) Where in the opinion of the examining practitioners such patient is not mentally ill, mentally defective or epileptic, the superintendent shall discharge the patient from the institution. 1937, c. 72, s. 36 (1).

Liability of  
municipality  
for  
maintenance.  
Rev. Stat.,  
c. 29.

**65.**—(1) The provisions of section 25 of *The Corporations Tax Act* shall apply to any institution within the meaning of this Act except the Ontario Hospital, Woodstock.

Ontario  
Hospital,  
Woodstock.

(2) Every municipality shall be liable in the amount of fifty cents per day, including the day of admission and discharge, for the maintenance of every indigent patient in the Ontario Hospital, Woodstock, who resided in such municipality at the time of his admission to the hospital. 1935, c. 39, s. 66.

Inquiry  
regarding  
estate.

**66.**—(1) Upon due application for the admission of any person the superintendent and steward of the institution shall make a full and thorough inquiry respecting the estate, either in existence or in prospect, of such person and of its sufficiency, free from all claims of his family, to supply the means necessary for his maintenance and clothing in the institution as provided by the regulations.

Bond  
for main-  
tenance.

(2) The superintendent and steward shall where possible require from the person liable for maintenance of the patient an agreement or bond to secure the payment of the patient's maintenance, either in whole or in part, and such agreement or bond shall continue in force so long as the patient is maintained in any institution.

Liability  
limited.

(3) Where the obligation is for a limited period nothing herein shall extend the liability beyond the period limited.

Liability of  
patient's  
estate.

(4) The giving of an agreement or bond shall in no way release the estate of the patient from its obligation to maintain and clothe him in the institution as hereinafter provided. 1935, c. 39, s. 67.

Patient's  
liability.

**67.** Any patient admitted to an institution who has at the time of his admission or subsequently comes into the possession of property shall be liable for his maintenance. 1935, c. 39, s. 68.

Liability  
for married  
woman.

**68.** Any person whose wife is a patient shall be liable for the maintenance of such patient. 1935, c. 39, s. 69.



**69.** A parent shall be liable for the maintenance of his child Liability for child. who is a patient. 1935, c. 39, s. 70.

**70.** It shall be the duty of the steward of an institution to Notice of liability. send a written notice on the first day of each of the months of January, April, July and October to the party liable for payment of the maintenance of any patient, giving the date of patient's admission to the institution and the amount which is due and owing for his maintenance as provided by the regulations, and in such notice a demand shall be made by the Demand. steward upon the party liable for payment of maintenance for such sum as may be due and owing and such sum shall be forthwith paid on such demand. 1935, c. 39, s. 71.

**71.—**(1) In case of refusal or neglect to pay the sum so Application order for payment of maintenance. demanded, the Deputy Minister or any officer whom he may designate may apply to a judge of the county or district court of the county or district in which the person liable to pay resides for an order for the payment of the amount then due.

(2) Ten days' notice of the application shall be given. Notice.

(3) If the judge is satisfied that the person against whom Judge's order. the application is made is liable he may make an order accordingly, and such order may be enforced in the same manner as a judgment of the court. 1935, c. 39, s. 72.

**72.** Subject as in this Part is otherwise provided the Public Trustee ex officio committee. Public Trustee shall *ex officio* be the committee of the estate of every patient admitted to an institution until he is discharged therefrom. 1935, c. 39, s. 73.

**73.** If prior to or at the time any person is admitted as a Where committee appointed prior to admission. patient in an institution the Supreme Court under the authority of *The Mental Incompetency Act* has appointed some person other than the Public Trustee to be the committee of the estate of such person, the Public Trustee shall not in such Rev. Stat., c. 110. case be the committee unless he is subsequently appointed as such by the Supreme Court. 1935, c. 39, s. 74.

**74.** Notwithstanding that under the authority of *The Mental Incompetency Act* some person other than the Public Trustee Appointment of Public Trustee instead of committee under The Mental Incompetency Act. has been appointed by the Supreme Court as the committee of the estate of a patient in an institution, the Supreme Court may at any time upon the application of the Public Trustee appoint him as committee in the place and stead of the person theretofore appointed, and on appointment the Public Trustee shall Rev. Stat., c. 110.

have and may exercise all the rights and powers conferred upon him by this Act with regard to the management of patients' estates. 1935, c. 39, s. 75.

When Public Trustee is committee for voluntary and habituate patient.

**75.** The Public Trustee shall not be the committee of the estate of a voluntary patient, or an habituate patient until such patient remains as a patient in an institution for a period of not less than three months, unless prior to the expiration of such period the patient by writing under seal signed by him appoints the Public Trustee as committee or the Public Trustee is appointed as committee by the Supreme Court. 1935, c. 39, s. 76.

Appointment of committee by Supreme Court.

**76.** If the Supreme Court shall at any time appoint a committee of the estate of any patient under the provisions of *The Mental Incompetency Act* the Public Trustee shall thereupon cease to be committee, and shall account for and transfer to the committee so appointed the estate of the patient which has come into his hands, retaining however so much as may be due for the maintenance of the patient. 1935, c. 39, s. 77.

Rev. Stat., c. 110.

Consent of Public Trustee.

**77.** An order shall not be made for the appointment of a committee of any patient confined in an institution without the consent of the Public Trustee, unless five days' notice shall have previously been given to him. 1935, c. 39, s. 78.

Acts of Public Trustee not affected by subsequent appointment.

**78.** The acts of the Public Trustee while committee of a patient shall not be rendered invalid by the making of an order appointing another committee. 1935, c. 39, s. 79.

When service of process to be made on Public Trustee.

**79.** When an action or proceeding is brought or taken against any patient in an institution for whom a committee has not been appointed by the Court and such action or proceeding is in connection with the estate of such person, the writ or other document by which the proceedings are commenced and any other document requiring personal service shall be served upon the Public Trustee endorsed with a written statement of the name of the institution in which the patient is detained, and shall also be served upon the patient unless in the opinion of the superintendent of the institution personal service upon the patient would cause serious harm to him by reason of his mental condition, in which case it shall also be served upon the superintendent. 1935, c. 39, s. 80.

Powers of Public Trustee.

**80.** The Public Trustee as statutory committee of any such patient shall have and may exercise all the rights and powers with regard to the estate of the patient that such patient would

have if of full age and of sound and disposing mind. 1935, c. 39, s. 81.

**81.** Any recital in a lease, mortgage or conveyance that the patient is in an institution and that the Public Trustee is his statutory committee shall be *prima facie* evidence of the facts recited. 1935, c. 39, s. 82.

Recital in documents as to patients.

**82.** The powers conferred upon the Public Trustee as statutory committee of the estate of a patient may be exercised,—

Purposes for which powers of Public Trustee may be exercised.

(a) notwithstanding the patient being released upon probation or being placed in an approved home;

(b) to carry out and complete any transaction entered into by the patient before he or she became a patient in an institution;

(c) to carry out and complete any transaction entered into by the statutory committee notwithstanding that the patient may have been discharged or may have died after the transaction was commenced. 1935, c. 39, s. 83.

**83.** The costs, charges and expenses of the Public Trustee and any money advanced by him for the patient or for the maintenance of the family of the patient shall be a charge upon the property of the patient, and the Public Trustee may register a certificate under his hand and seal of office giving notice of any lien claimed and the property against which it is claimed in any registry office or land titles office. 1935, c. 39, s. 84.

Costs and charges of Public Trustee lien on property.

**84.** Every gift, grant, alienation, conveyance or transfer of property made by any person who is or becomes a patient in an institution shall be deemed to be fraudulent and void, as against the statutory committee, if the same is not made for full and valuable consideration actually paid or sufficiently secured to such person, or if the purchaser or transferee had notice of his mental condition. 1935, c. 39, s. 85.

When gifts, grants, etc., deemed fraudulent.

**85.** Upon the death of any patient the Public Trustee may until probate of the will or letters of administration to the estate of such patient is granted to some other person and notice is given to the Public Trustee, continue to manage the estate and may exercise with respect thereto the powers which an executor would have if the property were devised or be-

Case of death of patient.

queathed to him in trust for payment of debts and distribution of the residue. 1935, c. 39, s. 86.

Accounting  
by Public  
Trustee.

**86.** The Public Trustee shall be liable to render an account as to the manner in which he has managed the property and effects of the patient in the same way and subject to the same responsibility as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account, and shall be entitled from time to time to bring in and pass his accounts and tax costs in like manner as a trustee but shall be personally liable only for wilful misconduct. 1935, c. 39, s. 87.

Compensation of  
Public  
Trustee.

**87.** For the services rendered by the Public Trustee as committee of a patient, he may be allowed compensation not exceeding the amount which a trustee would be allowed for like services, but in cases of poverty or hardship the Public Trustee may forego any claim for compensation. 1935, c. 39, s. 88.

Relief of  
Public  
Trustee on  
discharge  
of patient.

**88.** When a person discharged from an institution may not in the opinion of the Public Trustee based upon the report of the superintendent of such institution be competent to manage his affairs and the Public Trustee has in his hands property of such person as committee under this Act, he may apply to the Supreme Court for directions as to the disposal of such property, and the Court may give such orders and directions in the premises as it may deem just. 1935, c. 39, s. 89.

Payment of  
charges for  
maintenance  
of patient.

**89.** The Public Trustee shall, out of the money in his hands belonging to a patient for whom he is statutory committee, pay the proper charges for his maintenance in the institution in which he is a patient, and he may also pay such sums as he may deem advisable to the family of such patient or other person dependent upon him, and the payments for the maintenance of the family and other dependents may be made notwithstanding that such payments may prevent the payment of maintenance which otherwise would be due from the patient. 1935, c. 39, s. 90.

Payment of  
money out  
of court.

**90.** If there is any money in court to the credit of a patient the same shall be paid out to the Public Trustee upon his written application, and it shall not be necessary to obtain an order of the court or a judge for such purpose. 1935, c. 39, s. 91.



**91.** Nothing in this Act shall make it the duty of the Public Trustee to institute proceedings on behalf of a patient or to intervene in respect of his estate. 1935, c. 39, s. 92. Statutory duty.

**92.**—(1) The Lieutenant-Governor in Council may appoint the Administrator of Estates of Insane Persons for the Province of Manitoba to be committee of the estate in the Province of Ontario of any person who is detained as a patient in a provincial institution for mentally ill, mentally defective or epileptic persons in Manitoba. 1935, c. 39, s. 93 (1); 1937, c. 72, s. 36 (2). Administrator for Manitoba may be appointed committee in Ontario.

(2) The Lieutenant-Governor in Council may appoint the Administrator of Estates of the Mentally Incompetent of the Province of Saskatchewan to be the committee of the estate in the Province of Ontario of any person who is detained as a patient in a provincial institution for mentally ill, mentally defective or epileptic persons in Saskatchewan. 1935, c. 39, s. 93 (2); 1937, c. 72, s. 36 (3). Saskatchewan.

(3) An Order-in-Council making such an appointment of the officer mentioned in subsection 1 or 2 shall be conclusive proof that all conditions precedent necessary to the appointment have been fulfilled. Order-in-Council conclusive as to appointment.

(4) The appointee under an Order-in-Council issued under this section shall possess the same rights, powers, privileges and immunities as are conferred by this Act and the amendments thereto upon the Public Trustee for Ontario, and he shall be subject to the same obligations and shall perform the same duties. 1935, c. 39, s. 93 (3, 4). Powers of Administrator in Ontario.

## PART IX

### MENTAL HEALTH CLINICS.

**93.** Subject to the provisions of this Act and the regulations the Department shall have power and authority to establish clinics known as "Mental Health Clinics." 1935, c. 39, s. 94. Establishment.

**94.** The Minister shall have authority to appoint an officer who shall be a duly qualified medical practitioner to be in charge of each clinic with such title as the Minister may designate. 1935, c. 39, s. 95. Officer in charge.

**95.** The staff of each clinic, in addition to the officer designated in section 94, shall consist of an assistant trained in psychology, an assistant trained in social service, and such Staff.

other assistants as provided by the regulations. 1935, c. 39, s. 96.

Expenses.

**96.** All salaries, remuneration and expenses of the clinics and of their officers, clerks and servants shall be paid out of the Consolidated Revenue Fund upon the certificate of the Minister or of an officer of his Department designated by him for the purpose. 1935, c. 39, s. 97.

Powers of  
a clinic.

**97.** Subject to the direction of the Deputy Minister, a mental health clinic may do any act or perform such services which by law the Department is permitted or authorized to do. 1935, c. 39, s. 98.

Authority  
to conduct  
examina-  
tions.

**98.** Notwithstanding the provisions of section 97, a mental health clinic shall have authority to conduct an examination of the physical and mental condition of:

- (a) Any person other than an infant who may apply for such examination; and
- (b) Any infant upon the request verbally or in writing of his parent; and
- (c) Any person who may be sent by an organization approved by the Deputy Minister, provided such person has first given his consent to such examination; and
- (d) Any person on the order of any magistrate. 1935, c. 39, s. 99.

Examination  
of pupils.

**99.**—(1) Subject to the provisions of this section, a mental health clinic shall have authority to conduct an examination of the physical and mental condition of any or all pupils of any elementary or secondary school other than a private school and including any public, separate, continuation, vocation or high school.

Request of  
board of  
trustees,  
etc.,  
necessary.

(2) Such examination shall be conducted only on the request in writing of the board of public school trustees, board of separate school trustees, board of education, or other board having control of the school in which the examination is requested to be conducted.

Consent  
of parent.

Rev. Stat.,  
c. 357.

(3) The consent in writing of the parent for such examination must first be obtained, provided that a consent for medical examination according to the provisions of *The Public Schools Act* and regulations shall be consent for the purposes of this section.

(4) The officer in charge of the clinic shall report the results of an examination under this section to the Minister of Education and to the Minister of Health, and the officer may report such results to the parent. 1935, c. 39, s. 100.

Report of examination of pupils.

**100.**—(1) Examinations under this Part may be conducted in any place or places which the officer in charge of the clinic deems expedient.

Where examination to be held.

(2) Examinations under section 99 may be conducted in any of the schools referred to therein, at such time or times as the person in charge of the school shall designate as convenient. 1935, c. 39, s. 101.

May be held in schools.

**101.** Subject to the direction of the Minister, a mental health clinic upon the request of any person, body, group, organization or corporation shall have authority to give advice on matters pertaining to mental health and mental disease or matters reasonably ancillary thereto. 1935, c. 39, s. 102.

Authority to give advice.

**102.** The officer in charge of the mental health clinic may report the results of an examination under section 98 to,—

Report of examination.

- (a) the Department;
- (b) the person examined;
- (c) any person or organization upon whose order or request the examination was undertaken;
- (d) any person who, in the opinion of such officer, has a *bona fide* interest in the person examined;

and, subject to the provisions of this section, the records of any mental health clinic shall not be open to public inspection. 1935, c. 39, s. 103.

## PART X

### AGREEMENT BETWEEN PROVINCE AND DOMINION.

**103.** The Lieutenant-Governor in Council shall have power to authorize an agreement with His Majesty the King in right of His Dominion of Canada represented by the Honourable the Minister of Pensions and National Health or the Minister of such other Department of the Government of Canada as may from time to time be charged with the care and treatment of insane, epileptic, mentally ill or mentally defective former members of His Majesty's Military or Naval Forces who served during the War of 1914-18 whereunder the said Department shall, subject to regulations not inconsistent with

Agreement with Dominion Government authorized.

R.S.C.,  
c. 132.

this Act appended to and forming part of the said agreement, establish, operate, maintain, control and direct in the Province of Ontario institutions within the meaning of this Act for the care, treatment and detention of such former members of the Forces and former members of any Forces which were allied with His Majesty's Forces during the War of 1914-18 and members of the Permanent Force within the meaning of the *Militia Act* (Canada), and who are insane or epileptic or who are mentally ill or mentally defective within the meaning of this Act and to authorize such alterations in or amendments of such agreement as may from time to time appear necessary or desirable. 1935, c. 39, s. 104.

Regulations. **104.**—(1) Any regulations adopted by the parties to the agreement in section 103 mentioned shall have the same force and effect as if enacted in this Act.

Idem. (2) Without limiting the generality of the provisions contained in subsection 1 it is declared that the authority to adopt regulations shall extend to and include the following,—

- (a) regulating the admission, commitment and detention of such members to such institutions, notwithstanding any provision to the contrary in any Act of this Legislature dealing with the care, treatment or detention of insane, epileptic, mentally ill or mentally defective persons, and for greater certainty but not so as to restrict the generality of the foregoing terms, it is hereby declared that the Lieutenant-Governor in Council may exempt the said Department from such of the provisions of the said Acts as he may deem inapplicable and may authorize the said Department by its officers or servants to do such acts and things as by any Act of this Legislature dealing with the care, treatment or detention of insane, epileptic, mentally ill or mentally defective persons are required or authorized to be done by officers or servants of the Province of Ontario or by a justice or justices of the peace or other judicial authority;
- (b) regulating the care, treatment, maintenance, conduct, discipline, custody, transfer, probation, release, discharge and apprehension in such institutions of persons the care, treatment or detention of which is the subject matter of such agreement;
- (c) prescribing the forms relating to such persons and to their admission to, maintenance in and release or discharge from such institutions and all other forms



required for the carrying out of the provisions of this Act and such agreement;

- (d) respecting the transfer of any such member from any place without Ontario to any other place without Ontario and from any place within Ontario to any place without Ontario and from any place without Ontario to any place within Ontario during the passage of such member through Ontario;
- (e) generally, the control of all matters the subject matter of such agreement. 1935, c. 39, s. 105.

**105.** The detention of any such member by the said Minister by virtue of and in accordance with the provisions of any authority conferred by any Act of this Legislature or agreement with the Government of the Province of Ontario shall be deemed to be legal and valid notwithstanding anything in this Act. 1935, c. 39, s. 106.

Detention  
under other  
authority  
not invalid.

**106.** The Public Trustee shall be *ex officio* committee of the estate of every patient who has no other committee and who is detained in an institution under this Part, and the provisions of sections 72 to 92 shall apply to the institutions under this Part and the patients therein. 1935, c. 39, s. 107.

Public  
Trustee.

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## CHAPTER 393.

## The Psychiatric Hospitals Act

Interpreta-  
tion.**1.** In this Act,—

“Applicant.”

(a) “Applicant” shall mean the person who signs the application for the admission of a patient into a psychiatric hospital, or who voluntarily makes application for such admission;

“Inspec-  
tor.”  
Rev. Stat.,  
c. 392.

(b) “Inspector” shall mean an inspector appointed under *The Mental Hospitals Act*;

“Minister.”

(c) “Minister” shall mean the member of the executive council charged for the time being with the administration of institutions under *The Mental Hospitals Act*;

“Patient.”

(d) “Patient” shall mean any person receiving care or treatment in or by a psychiatric hospital under the authority of this Act;

“Pre-  
scribed.”

(e) “Prescribed” shall mean prescribed by this Act or by regulations made under the authority of this Act. R.S.O. 1927, c. 354, s. 1; 1935, c. 39, sched.

City by-law  
establishing.

**2.** The corporation of a city having a population of over 100,000 may, with the approval of the Lieutenant-Governor in Council, establish and equip a psychiatric hospital for the observation, temporary care and treatment of residents of the municipality suffering from psychiatric disabilities who are not ineligible under this Act for admission to such hospital and who, in the opinion of a legally qualified medical practitioner, are suitable subjects for and may be benefited by such observation, care and treatment. R.S.O. 1927, c. 354, s. 2.

Approval  
of plans and  
site.

**3.** Before a psychiatric hospital is established the plans and site selected therefor shall be approved by the Lieutenant-Governor in Council. R.S.O. 1927, c. 354, s. 3.

Designation  
by  
Lieutenant-  
Governor  
in Council.

**4.**—(1) Upon the completion of the erection and equipment of a psychiatric hospital the Lieutenant-Governor in Council shall designate it as “The.....Psychiatric Hospital” (*inserting the name of the municipality*) and shall describe by metes and bounds the premises which shall be deemed to be included in such designation.

(2) The psychiatric hospital shall thereafter be under the control of the Minister. R.S.O. 1927, c. 354, s. 4. Minister to be in control.

**5.** The cost of maintenance of a psychiatric hospital in excess of the amount provided by or on behalf of patients admitted for treatment therein and by the city shall be paid out of such moneys as may be voted by the Assembly and appropriated for that purpose. R.S.O. 1927, c. 354, s. 5. Cost of maintenance.

**6.** A separate account shall be kept in the office of the inspector for every psychiatric hospital and there shall be credited to such account,— Accounts to be kept.

(a) the income received from or on behalf of the patients admitted or treated therein;

(b) the income received from the municipality for the maintenance of patients who are treated in the hospital;

(c) the legislative grant;

(d) moneys received from any other source. R.S.O. 1927, c. 354, s. 6.

**7.** Moneys received from any other source than the legislative grant shall be paid monthly by the bursar of such hospital and by the inspector to the Treasurer of Ontario and any balance remaining in possession of the bursar or the inspector at the close of the fiscal year shall be forthwith paid to the Treasurer of Ontario. R.S.O. 1927, c. 354, s. 7. Application of receipts.

**8.** The Lieutenant-Governor in Council may from time to time appoint a superintendent and bursar and such officers and employees as he may deem necessary for the psychiatric hospital and may fix their salaries and prescribe their powers and duties. R.S.O. 1927, c. 354, s. 8. Appointment of officers.

**9.—(1)** Any person who is, or who is believed to be in need of such treatment as is provided in a psychiatric hospital and who, except in the cases provided for in clauses *b* and *e* has been a resident of the municipality in which such psychiatric hospital is located for three months in all within the period of five months prior to the date of application for admission, may be admitted thereto for such treatment,— Admission to hospital.

(a) as a voluntary patient upon application in the prescribed form;

(b) upon the warrant of the Lieutenant-Governor;

- (c) upon the certificate of a legally qualified medical practitioner in the prescribed form and accompanied by the prescribed application and history form and upon provision being made for payment of the maintenance of the patient at such rate as may be fixed by the inspector subject to the provisions of this Act and the regulations;
- (d) upon the certificate mentioned in clause *c* and the written order of the inspector directing the transfer of a patient from a general hospital to the psychiatric hospital where the period during which such patient is in the general hospital does not form part of a term for which he was sentenced to serve in a gaol or other penal institution;
- (e) upon the order of a judge or magistrate having jurisdiction in the municipality in which the hospital is located, accompanied by the prescribed history form remanding a person to a psychiatric hospital for further observation, care or treatment where such person has been apprehended either with or without warrant by a constable or police officer and is under the age of seventy-years and not ineligible for treatment in a psychiatric hospital under the provisions of this Act and it appears to the judge or magistrate that such person may be mentally ill, and any person so remanded shall be deemed to be a resident of the municipality in which the order for such remand is made. R.S.O. 127, c. 354, s. 9 (1); 1937, c. 72, s. 49 (1).

Authority  
to convey  
patient to  
hospital.

(2) The certificate mentioned in clause *c* shall be sufficient authority to a police officer or to any other person to convey a person to a psychiatric hospital and to the authorities of the said hospital for his detention therein. R.S.O. 1927, c. 354, s. 9 (2).

Patient  
found to be  
mentally ill,  
etc.

(3) Where a person admitted to a psychiatric hospital under clause *e* of subsection 1 appears to the superintendent to be mentally ill, mentally defective or an epileptic within the meaning of *The Mental Hospitals Act*, he shall direct the medical examination of such person and proceed in the same manner generally as is provided in section 20 of *The Mental Hospitals Act*, and if such person is certified to be mentally ill, mentally defective or an epileptic within the meaning of *The Mental Hospitals Act*, as provided by that Act the documents mentioned in the said section shall be transmitted to the inspector who shall arrange for the transfer of such person

Rev. Stat.,  
c. 392.



to an institution under *The Mental Hospitals Act*. R.S.O. 1927, c. 354, s. 9 (3); 1935, c. 39, sched.

(4) A person admitted to psychiatric hospital under the provisions of clause *e* of subsection 1 who does not appear to the superintendent to be mentally ill, mentally defective or an epileptic within the meaning of *The Mental Hospitals Act*, shall be discharged forthwith into the care of the court by which he was remanded to the psychiatric hospital and the certificate of the superintendent or of any legally qualified medical practitioner who is a member of the staff of the hospital shall be sufficient authority for the granting of the said discharge. R.S.O. 1927, c. 354, s. 9 (4); 1935, c. 39, sched.

Discharge where patient not mentally ill, etc.  
Rev. Stat., c. 392.

(5) The costs properly incurred under clause *e* of subsection 1 and under subsections 3 and 4 shall be payable by the city in which the patient was a resident at the time of his arrest. R.S.O. 1927, c. 354, s. 9 (5).

Expenses to be paid by city.

**10.**—(1) Any person who is a resident of the Township of York may be admitted to the Toronto Psychiatric Hospital in the manner prescribed by clauses *a* to *e* of subsection 1 of section 9, and any judge or magistrate having jurisdiction in the Township of York shall have authority to issue the order required by clause *e* of subsection 1 of section 9.

Residents of Township of York.

(2) The superintendent of the Toronto Psychiatric Hospital or the officer in charge of the admission of patients may refuse the admission of any person under this section when, in his opinion, there is not sufficient accommodation or when, in his opinion, the accommodation is sufficient only to provide for the admission of residents of the City of Toronto.

When admission may be refused.

(3) The provisions of subsection 5 of section 9 and of sections 12, 13 and 19 shall apply to the corporation of the Township of York with respect to patients in the said hospital who are residents of the said Township.

Application of certain provisions.

(4) All the provisions of this Act and regulations not inconsistent with this section shall apply to any person admitted under this section. 1935, c. 57, s. 2.

Application of general provisions of Act, etc.

**11.** Patients receiving care and treatment in a psychiatric hospital may be divided into the following classes,—

Classification of patients.

(a) outpatients or persons treated outside the limits of a psychiatric hospital or calling within the limits of the hospital for treatment from time to time but not residing therein;

- (b) inpatients or patients treated and temporarily residing within the limits of the hospital;
- (c) paying patients or persons whose maintenance is paid in some manner other than by the municipal corporation at the rate of \$1.50 *per diem* or more;
- (d) indigent patients or persons whose maintenance is paid at less than \$1.50 *per diem*. R.S.O. 1927, c. 354, s. 10.

Liability of  
municipal  
corporation.

**12.** If a patient is unable to pay at the rate of \$1.50 *per diem* for his maintenance and there is no other person liable for his support who can make such payment the municipal corporation shall be liable to the hospital at the said rate. R.S.O. 1927, c. 354, s. 11.

When  
municipal  
corporation  
not liable.

**13.** The municipal corporation shall not be liable for any charges for the maintenance, treatment or care of a patient beyond the period of ten days from the day of the admission of such patient to the psychiatric hospital. R.S.O. 1927, c. 354, s. 12.

Who may  
not be  
admitted.

Rev. Stat.,  
cc. 392, 394.

**14.—**(1) No person shall be admitted to a psychiatric hospital who is,—

- (a) certified to be mentally ill, mentally defective or epileptic within the meaning of *The Mental Hospitals Act*, or within the meaning of sections 24 and 25 of *The Private Sanitaria Act*;
- (b) an alcoholic habituate;
- (c) a drug habituate;
- (d) a person suffering from mental infirmities due to old age or from incurable disease for which general hospital or other institutional care is required;
- (e) a person suffering from tuberculosis or other communicable disease;
- (f) a mentally defective or feeble-minded person;
- (g) an epileptic;
- (h) a person who has been admitted to and discharged on probation from an institution under *The Mental Hospitals Act*, and whose term of probation has not expired;

- (i) a person committed to a gaol or other penal institution and who has been given a ticket-of-leave, paroled or granted a permit to work outside the limits of such gaol or penal institution and whose term of imprisonment has not expired. R.S.O. 1927, c. 354, s. 13 (1); 1935, c. 39, sched.

(2) Where it is found through the result of observation or treatment that a patient admitted to a psychiatric hospital comes within any of the classes mentioned in subsection 1, the inspector, upon the report of the superintendent, may by his warrant direct the removal of such patient to a general hospital or to an institution under *The Mental Hospitals Act*, or into the charge of his friends. R.S.O. 1927, c. 354, s. 13 (2).

Removal of  
ineligible  
patients.  
Rev. Stat.,  
c. 392.

**15.**—(1) A patient admitted to a psychiatric hospital by voluntary application or upon the certificate of a legally qualified medical practitioner may be discharged by the superintendent when in his opinion the patient is in a fit mental condition to be discharged. R.S.O. 1927, c. 354, s. 14 (1).

Discharge of  
voluntary  
patients.

(2) Where in the opinion of the superintendent a patient is mentally ill, mentally defective or epileptic within the meaning of *The Mental Hospitals Act*, or cannot be further benefited by observation and treatment in the psychiatric hospital, and such patient was admitted as a voluntary patient or upon the certificate of a legally qualified medical practitioner as provided in clauses *a* and *c* of subsection 1 of section 9 the superintendent may cause the patient to be examined by two legally qualified medical practitioners and if such medical practitioners certify, according to the provisions of section 20 of *The Mental Hospitals Act*, that the patient is mentally ill, mentally defective or epileptic within the meaning of *The Mental Hospitals Act*, the inspector shall issue his warrant for the removal of the patient to an institution under *The Mental Hospitals Act*. R.S.O. 1927, c. 354, s. 14 (2); 1935, c. 39, sched.

Transfer of  
certain  
patients.  
Rev. Stat.,  
c. 392.

(3) A patient admitted on an order of the inspector may be discharged by the inspector or by him transferred back to the general hospital from which he was admitted.

Patient  
admitted  
on order.

(4) Where a patient has been admitted to a psychiatric hospital by voluntary application or upon the certificate of a legally qualified medical practitioner or on the order of the inspector, in lieu of being discharged he may be committed by the inspector to the custody of relatives or others capable of and legally responsible for the care and supervision of the patient.

Committal  
to custody  
of friends.

Patient  
admitted on  
warrant.

(5) A patient admitted on the warrant of the Lieutenant-Governor shall not be discharged from a psychiatric hospital without the written consent of the Attorney-General.

Delivery of  
patient to  
custody of  
his friends.

(6) If the superintendent considers it conducive to the recovery of any person detained in a psychiatric hospital except such persons as are admitted under clauses *b* and *e* in subsection 1 of section 9 that he should be committed for a time to the custody of his friends, the superintendent may allow him to return on trial to them upon receiving a written undertaking in the prescribed form by one or more of the friends of such person that he or they will keep an oversight over him.

Recommittal  
to hospital  
from  
custody of  
friends.

(7) If within six months from such temporary discharge the patient again becomes dangerous to be at large, the superintendent by whom he was discharged, by his warrant in the prescribed form directed to any constable or peace officer or other person, or to all constables or peace officers, may authorize and direct that such patient be apprehended and brought back to the psychiatric hospital from which he was temporarily discharged, and such warrant shall be an authority to anyone acting under it to apprehend the person named therein and to bring him back to the psychiatric hospital. R.S.O. 1927, c. 354, s. 14 (3-7).

Collecting  
mainten-  
ance.

**16.** All moneys due to a psychiatric hospital for the maintenance of any patient for the necessary expenses incurred in his behalf shall be a debt due to the Crown and may be sued for and collected by the bursar of the psychiatric hospital or by the inspector from the said patient or his estate or from any other person or municipal corporation liable therefor. R.S.O. 1927, c. 354, s. 15.

Public  
Trustee as  
official com-  
mittee.

Rev. Stat.,  
c. 392.

**17.** Upon the admission of any person as a resident patient in a psychiatric hospital the Public Trustee shall be the official committee of the estate of such person in the same manner and to the same extent as in the case of a patient admitted to an institution under *The Mental Hospitals Act*, unless and until a committee of the estate of such patient has been appointed by the court. R.S.O. 1927, c. 354, s. 16.

Appre-  
hension of  
escaped  
patient.

**18.** If a patient in a psychiatric hospital, not being a voluntary patient, escapes therefrom or from any officer or servant of the hospital such officer or servant or any other person may without warrant within forty-eight hours after such escape, or under a warrant in the prescribed form within three weeks after such escape, retake such escaped patient and return him to the hospital and he shall be detained therein



under the authority by virtue of which he was detained prior to his escape. R.S.O. 1927, c. 354, s. 17.

**19.** The costs and expenses incurred in conveying persons to and from a psychiatric hospital shall be borne by the patient or his estate except in the case of persons admitted to a psychiatric hospital under clauses *b*, *d* and *e* of subsection 1 of section 9 in which cases such costs and expenses shall be borne by the municipal corporation subject to such recourse as the corporation may have against the patient or any other person. R.S.O. 1927, c. 354, s. 18.

Costs of conveying patients to and from hospital.

**20.** The Minister, with the approval of the Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the forms to be used in carrying out the provisions of this Act;
- (b) for the appointment of officers, servants and employees of a psychiatric hospital and defining their duties, hours of service and regulating the conduct of such officers and employees;
- (c) respecting the accommodation, care and treatment of patients admitted to a psychiatric hospital and for regulating the discipline and custody of persons who are admitted as inmates of a psychiatric hospital or who are treated therein and prescribing, subject to the provisions of this Act, the rates to be paid for the accommodation of patients;
- (d) prescribing the books and accounts to be kept in a psychiatric hospital and the manner in which the supplies necessary for the use and maintenance of the hospital and the officers and patients thereof shall be provided and accounted for;
- (e) prescribing the penalties for the breach of any regulation;
- (f) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 354, s. 19; 1937, c. 72, s. 49 (2).

**21.** The Minister may direct the establishment and maintenance of post graduate courses and clinical and laboratory research at a psychiatric hospital to be carried on in accordance with any regulations which may be made respecting the same. 1931, c. 23, s. 27 (1).

Post-graduate courses, etc., in psychiatry.

## CHAPTER 394.

## The Private Sanitaria Act.

Interpreta-  
tion.**1.** In this Act,—

"Board."

(a) "Board" shall mean board of visitors;

"Drug  
habituatue."

(b) "Drug habituate" shall mean a person who habitually uses any poisonous or narcotic drug or other substance in such quantities or so frequently as to endanger his health or reason; R.S.O. 1927, c. 355, s. 1, cls. (a, b).

"Inspec-  
tor."  
Rev. Stat.,  
c. 392.(c) "Inspector" shall mean an inspector appointed under *The Mental Hospitals Act*; 1935, c. 39, sched."Intoxicat-  
ing liquor."  
Rev. Stat.,  
c. 294.(d) "Intoxicating liquor" shall have the meaning given to "liquor" by *The Liquor Control Act*;

"Minister."

(e) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;

"Proprie-  
tor."

(f) "Proprietor" shall mean every person or corporation to whom a license is granted under the provisions of this Act, and every person or corporation keeping, owning or having any interest or exercising any duties or powers of a proprietor in a sanitarium;

"Sani-  
tarium."

(g) "Sanitarium" shall mean an institution for the care and treatment of mental and nervous diseases licensed under the provisions of this Act. R.S.O. 1927, c. 355, s. 1, cls. (d-g).

## LICENSE, HOW OBTAINED, ETC.

Notice of  
application  
for license.**2.** When the proprietor of a sanitarium desires to obtain a license for such sanitarium under the provisions of this Act he shall give notice thereof to the Minister. R.S.O. 1927, c. 355, s. 2.Contents of  
notice.**3.** The notice shall contain the Christian name and surname, place of abode and occupation of the proprietor, unless such proprietor is a corporation, when the name and chief place of business of the corporation shall be given, and a true and full description of such proprietor's estate or interest in such house; and if the proprietor to whom the license is desired to be granted does not propose to reside himself in the licensed house the notice shall contain the Christian name

and surname, place of abode and occupation of the superintendent who is to reside therein. R.S.O. 1927, c. 355, s. 3.

4. The notice shall be accompanied by a plan of the house, drawn upon a scale of not less than one-eighth of an inch to a foot, with a statement showing,—

- (a) the situation thereof; Situation.
- (b) the length, breadth and height of, and a reference by a figure or letter to every room and apartment therein; Size of room.
- (c) the quantity of land not covered by any building annexed to such house, and appropriated to the exclusive use, exercise and recreation of the patients proposed to be received therein; Extent of grounds.
- (d) the number of patients proposed to be received into such institution, and whether the license so applied for is for the reception of male or female patients, or of both, and if for the reception of both the number of each sex proposed to be received in such institution, and the means by which the one sex may be kept separate and apart from the other; Number of patients provided for.
- (e) the sanitary arrangements, ventilation, heating and water supply, and the fire escapes and the facilities provided for use in case of fire and the means for preventing fires. R.S.O. 1927, c. 355, s. 4. Sanitary regulations, etc.

5.—(1) The notice, with the plan and statements required by section 4 shall be sent to the inspector at least two weeks before the reception of patients. Time for sending notice to inspector.

(2) The inspector shall thereupon visit the proposed sanitarium and inspect the same, and report thereon to the Lieutenant-Governor in Council. R.S.O. 1927, c. 355, s. 5. Inspector to report.

6. If the inspector reports that the buildings and premises are ready and fit for occupation as a sanitarium the Lieutenant-Governor in Council may issue a license to the proprietor to keep and maintain the same for the purposes of a sanitarium and receive therein the number of patients named in the inspector's report; and such license shall continue in force until revoked by the Lieutenant-Governor in Council on the report of the inspector. R.S.O. 1927, c. 355, s. 6. License to proprietors.

7. No such license shall be granted unless the proprietor gives security to His Majesty in the sum of \$1,000 under the usual conditions for the good behaviour of such proprietor Security by licensee.

during the time for which the license continues in force. R.S.O. 1927, c. 355, s. 7.

BOARD OF VISITORS.

Board of  
visitors.

**8.**—(1) Every sanitarium shall be under the supervision and inspection of a board of visitors composed of the judge or, in the case of his absence or disqualification, a junior or deputy judge of the county or district court, the clerk of the peace and the sheriff of the county or district in which the sanitarium is situate, together with two legally qualified medical practitioners appointed by the Lieutenant-Governor in Council who shall hold office for three years unless sooner removed by him.

Chairman  
and  
secretary.

(2) The judge shall be the chairman and the clerk of the peace shall be the secretary of the board.

Allowance  
to members.

(3) The members of the board shall be paid by the proprietor such allowance for their services as the Lieutenant-Governor in Council may direct. R.S.O. 1927, c. 355, s. 8.

Visitors  
not to have  
a pecuniary  
interest in  
any sani-  
tarium.

**9.**—(1) No member of the board shall be pecuniarily interested in any sanitarium, either directly or indirectly and any member who after his appointment becomes interested in any sanitarium either as proprietor or part owner, or by the sale of merchandise to such a sanitarium or in any other way, shall thereupon become disqualified from acting and shall not thereafter act in such capacity.

Appoint-  
ment in  
case of dis-  
qualification.

(2) If a member of the board is or becomes so disqualified the Lieutenant-Governor in Council may appoint some one to act in his stead. R.S.O. 1927, c. 355, s. 9.

Oath of  
visitors.

**10.**—(1) Every visitor shall, before acting, take and subscribe the following oath:

"I, *A.B.*, do swear that I will discreetly, impartially and faithfully execute all the trusts and powers committed to me by virtue of *The Private Sanitaria Act*, and that I will keep secret all such matters as come to my knowledge in the execution of my office, except when required to divulge the same by legal authority, or so far as I feel myself called upon to do so for the better execution of the duty imposed upon me by the said Act."

Oath to be  
filed.

(2) The oath shall be filed in the office of the clerk of the peace. R.S.O. 1927, c. 355, s. 10.

Meeting of  
visitors.

**11.** The secretary shall summon the board to meet for the purpose of executing their duties under this Act. R.S.O. 1927, c. 355, s. 11.



**12.** Every such summons and meeting shall be made and held as privately as possible and in such manner that no proprietor, superintendent or person interested in or employed about or connected with the sanitarium to be visited shall know of such intended visitation. R.S.O. 1927, c. 355, s. 12. Visitors' meetings to be private.

**13.**—(1) If the secretary at any time desires to employ an assistant in the execution of the duties of his office he shall certify such desire and the name of the proposed assistant to the chairman of the board, and if such assistant is approved of the chairman shall administer the following oath to such assistant: Assistant secretary.

"I, A.B., do swear that I will faithfully keep secret all such matters and things as come to my knowledge in consequence of my employment as assistant to the secretary of the Board of Visitors, appointed for the county or district of \_\_\_\_\_ by virtue of *The Private Sanitaria Act*, unless required to divulge the same by legal authority: So help me God." Oath of.

(2) The secretary may thereafter, at his own cost, employ such assistant. R.S.O. 1927, c. 355, s. 13. At whose cost.

**14.**—(1) No medical practitioner who is a member of the board shall sign any certificate for the admission of any patient into any sanitarium or shall professionally attend upon any patient therein unless he is directed to visit such patient by the person upon whose order such patient has been received into the sanitarium, or by the Minister or by one of the judges of the Supreme Court, or by some person appointed by one of such judges for that purpose. Restrictions upon physicians who are visitors.

(2) For every 'contravention of subsection 1 the medical practitioner shall incur a penalty of \$200. R.S.O. 1927, c. 355, s. 14. Penalty.

#### REMOVAL OF SUPERINTENDENT.

**15.** A proprietor may remove the superintendent named in the notice, and may at any time appoint another superintendent upon giving to the board a notice containing the Christian name and surname, place of abode and occupation of the new superintendent. R.S.O. 1927, c. 355, s. 15. Removal of superintendent.

#### FEEES FOR LICENSES.

**16.** For every license there shall be paid to the clerk of the peace for the county or district in which the sanitarium is located, for every patient proposed to be received therein, the sum of \$5, and if the total amount so payable does not amount to \$200 so much more as together therewith will make up the sum of \$200, and no such license shall be delivered Fees.

until the sum payable for the same has been paid. R.S.O. 1927, c. 355, s. 16.

Application  
of fees.

**17.** All moneys received for licenses granted under this Act shall be applied towards the payment of the allowance to the secretary for his services and the discharge of the costs, charges and expenses incurred by or under the authority of the board in the execution of or by virtue of this Act. R.S.O. 1927, c. 355, s. 17.

Clerk of the  
peace to  
keep ac-  
count of  
moneys  
received  
and  
expended.

**18.** The clerk of the peace shall keep an account of all money received and paid by him under this Act, and such accounts shall be made up to the last day of December in each year inclusively, and shall be signed by two at least of the members of the board and forwarded to the Minister. R.S.O. 1927, c. 355, s. 18.

#### ADDITIONS AND ALTERATIONS TO LICENSED PREMISES.

To what  
premises  
license may  
extend.

**19.** No one license shall include or extend to more than one sanitarium; but if there is any place or building detached from the sanitarium, but not separated from it by ground belonging to any other person, and if such place or building is specified, delineated and described in the prescribed notice, plan and statement in the same manner in all particulars as if the same had formed part of such sanitarium, then such detached place or building, if the Lieutenant-Governor in Council thinks fit, may be included in the license for the sanitarium, and if so included shall be considered part of such sanitarium for the purposes of this Act. R.S.O. 1927, c. 355, s. 19.

Alter-  
ations in  
sanitarium.

**20.** No addition or alteration shall be made to, in or about any sanitarium, or the appurtenances, unless previous notice in writing of the proposed addition or alteration, accompanied with a plan thereof, drawn upon the prescribed scale and accompanied by the prescribed statement, has been given to the inspector by the proprietor, nor unless the approval of the Lieutenant-Governor in Council has been previously obtained. R.S.O. 1927, c. 355, s. 20.

#### TRANSFERS AND REMOVALS.

When  
license  
transferable.

**21.** If a proprietor becomes incapable of keeping the sanitarium or dies before the expiration of the license the Lieutenant-Governor in Council may authorize the transfer of the license, for the term then unexpired, to the person who at the time of such incapacity or death was the superintendent of

such house or had the care of the patients therein, or to such other person as the Lieutenant-Governor in Council may approve, and in the meantime the license shall remain in force and have the same effect as if granted to the superintendent. R.S.O. 1927, c. 355, s. 21.

**22.** If a license has been granted to two or more persons, and one or more of such persons die leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors. R.S.O. 1927, c. 355, s. 22. <sup>Survivor-ship.</sup>

**23.**—(1) If a sanitarium is pulled down or becomes unfit for the accommodation of patients, or if the proprietor desires to transfer the patients to another building, the Lieutenant-Governor in Council may grant to him a license to keep such other building for the reception of patients for such time as the Lieutenant-Governor in Council thinks fit; but the like notice of such intended change and the like plans and statements of and as to such intended new building shall be given as are required when application is first made for a license for a sanitarium, and shall be accompanied by a statement in writing of the cause of the change. <sup>Removal to other premises.</sup>

(2) A fee of \$25 shall be payable by the licensee to the clerk of the peace upon the issue of the license. <sup>Fee for license for transfer.</sup>

(3) Except where the change is occasioned by fire or tempest seven clear days' previous notice of the intended removal shall be sent by the proprietor to the person who signed the requisition for the reception of each patient or the person by whom the last payment on account of each patient had been made. R.S.O. 1927, c. 355, s. 23. <sup>Notice of intended removal.</sup>

#### ADMISSION OF PATIENTS.

**24.**—(1) Subject to the provisions and exceptions herein-after made no person, whether he is or is represented to be mentally diseased, or only a boarder or lodger in respect of whom any money is paid or agreed to be paid for board, lodging or any other accommodation, shall be received into or detained in any sanitarium without a requisition under the hand of some person according to and stating the particulars mentioned in Form 1, nor without separate certificates, according to Form 2, of two legally qualified medical practitioners not being partners or brothers, or father and son, each of whom separately from the other has personally examined the person to whom the certificates relate not more than fifteen clear days previous to the reception of such person <sup>Orders for admission of patient.</sup> <sup>Medical certificates.</sup>

into such sanitarium, and each of whom has signed and dated the certificate on the day on which such person was so examined.

Contents of  
certificate.

(2) Every medical practitioner who signs a certificate shall state therein that he has personally examined the person to whom the certificate relates, and that from such examination and from the evidence adduced before him, he is of opinion that such person is mentally diseased, and a proper person to be confined in a sanitarium for mental diseases, and he shall also state the facts and evidence adduced before him which led to such opinion, and he shall therein distinguish the facts observed by himself from facts communicated to him by others. R.S.O. 1927, c. 355, s. 24.

Persons  
domiciled  
outside of  
Ontario.

**25.**—(1) The superintendent of a sanitarium may admit to and detain in it any person domiciled out of Ontario who is certified to be mentally diseased by two duly qualified medical practitioners of the place out of Ontario in which such person has his domicile, if certificates are made *mutatis mutandis* according to Form 2, but any person domiciled out of Ontario so admitted and detained in a sanitarium shall, within fifteen days of such admission, be examined by one legally qualified medical practitioner of Ontario who shall certify according to Form 2. R.S.O. 1927, c. 355, s. 25 (1).

Effect of  
medical  
certificates.

Rev. Stat.,  
c. 392.

(2) The certificates shall be a sufficient authority to any person to convey the patient to the sanitarium and to the superintendent thereof to detain him therein or to the superintendent of any institution under *The Mental Hospitals Act* to which the patient may afterwards be transferred by the order of the inspector, to receive such patient in such institution and to detain him therein as long as he continues to be mentally diseased. R.S.O. 1927, c. 355, s. 25 (2); 1935, c. 39, sched.; 1937, c. 72, s. 45 (1).

When certi-  
ficate of one  
physician  
sufficient.

**26.** Any person may, under special circumstances, be received into the sanitarium upon a requisition accompanied by the certificate of one legally qualified medical practitioner if the requisition states special circumstances which prevented the person from being examined by two duly qualified medical practitioners; but in every such case another certificate shall be signed by some other legally qualified medical practitioner not connected with any sanitarium, who has specially examined such person within three days after his reception into such sanitarium. R.S.O. 1927, c. 355, s. 26.

Restric-  
tions upon  
unlicensed  
houses.

**27.** Subject to the provisions and exceptions hereinafter made no person shall receive to board and lodge in any building



not licensed under this Act or take the charge or care of more than two mentally diseased persons at the same time. R.S.O. 1927, c. 355, s. 27.

**28.** Every person who receives to board or lodge in a building not licensed under this Act, or takes the care or charge of a person mentally diseased, shall within one month next after receiving such person into his house or under his care notify the inspector thereof. R.S.O. 1927, c. 355, s. 28. Duty to notify inspector.

**29.** No medical practitioner who, or whose father, brother, son or partner, is wholly or partly the proprietor of or a regular professional attendant in a sanitarium shall sign any certificate for the reception therein of a patient, and no medical practitioner who, or whose father, brother, son or partner, signs the prescribed requisition for the reception of a patient shall sign any certificate for the reception of the same patient. R.S.O. 1927, c. 355, s. 29. When physician not to certify.

**30.**—(1) Any medical practitioner who maliciously or corruptly signs any false certificate for the purpose of procuring the confinement of any sane person in a sanitarium shall, upon judgment being given against him in an action for damages on account of such malicious or corrupt act, *ipso facto* be incapacitated from practising in Ontario for the period of five years thereafter. Penalty on physician giving false certificate maliciously.

(2) The name of such medical practitioner shall upon production of a certified copy of the judgment to the registrar of the College of Physicians and Surgeons of Ontario be removed from the register. R.S.O. 1927, c. 355, s. 30. Removal from register.

**31.**—(1) The superintendent of a sanitarium, upon the written application of any person who is desirous of submitting himself for treatment of any nervous or physical ailment, may receive and detain him therein upon the certificate of one legally qualified medical practitioner that such person is afflicted with any such ailment and that there is danger that such ailment will develop into mental derangement unless it is properly treated. Admission of voluntary patient.

(2) No person so admitted shall be detained more than three days after he has given notice in writing to the superintendent of his desire to leave the sanitarium. Discharge.

(3) The superintendent shall give immediate notice of the reception of such person to the secretary of the board, stating all the particulars of the case, and one or more members of the board or the secretary shall forthwith visit such patient in the board. Notice of admission to board of visitors. Visit by the board.

Record of  
visit.

order to verify the fact of his having been admitted voluntarily, and all the facts in connection with the case shall be forthwith recorded in the visitors' book by the person making the inquiry. R.S.O. 1927, c. 355, s. 31.

"Register of  
Patients."

**32.**—(1) Every proprietor or superintendent who receives a patient into a sanitarium shall, within two days after his reception, make an entry with respect to him in a book to be kept for that purpose, to be called "Register of Patients," according to the form and containing the particulars mentioned in Form 3, so far as he can ascertain the same, and when a patient is discharged or dies an entry of the fact shall be made in the appropriate column.

Penalty.

(2) Every person who contravenes subsection 1 shall incur a penalty not exceeding \$10. R.S.O. 1927, c. 355, s. 32.

Record of  
mental  
disorder.

**33.** The form of the mental disorder, if any, of every patient received into a sanitarium shall, within seven days after his reception, be entered in the clinical record by the medical attendant, and every medical attendant who omits to make such entry shall, for every such omission, incur a penalty not exceeding \$10. R.S.O. 1927, c. 355, s. 33.

Penalty.

Copy of  
order for  
visitors.

**34.** The proprietor or superintendent of every sanitarium shall, after two clear days and before the expiration of seven clear days from the day on which any patient has been received into the sanitarium, transmit to the secretary of the board a copy of the requisition and medical certificates or certificate on which the patient was received, and also a notice and statement according to Form 4. R.S.O. 1927, c. 355, s. 34.

#### PROCEDURE IN CASE OF ESCAPE.

Escape.

**35.**—(1) Where a patient has escaped from a sanitarium, the proprietor or superintendent shall, within two clear days next after the escape, transmit written notice thereof to the inspector and to the secretary of the board.

Notice.

Contents  
of notice.

(2) The notice shall state the Christian name and surname of the patient, and his then state of mind, and the circumstances connected with the escape.

Capture.

(3) The patient may be retaken at any time within one month after his escape and brought back to and detained in the sanitarium.

Notice of  
capture.

(4) If the patient is brought back, the proprietor or superintendent shall within two clear days thereafter transmit written notice thereof to the inspector and the secretary.

(5) The notice shall state when the patient was so brought back and under what circumstances, and whether with or without a fresh requisition and certificate. Contents.

(6) Every proprietor or superintendent who omits to transmit such notice, whether of escape or of return, shall, for every such omission, incur a penalty not exceeding \$50. Penalty.  
R.S.O. 1927, c. 355, s. 35.

#### REMOVAL, DISCHARGE, DEATH, ETC.

**36.** Where a patient is removed or discharged from a sanitarium or dies therein, the proprietor or superintendent shall, within two clear days next after such removal, discharge or death, make an entry thereof in a book to be kept for that purpose, according to Form 5, and stating the particulars in Form 5, and shall also within the same period transmit written notice thereof, (Form 6), and also of the cause of the removal, discharge or death, if known, to the inspector and to the secretary of the board. Entry or removal, discharge, etc.  
R.S.O. 1927, c. 355, s. 36. Notice.

**37.**—(1) Where a patient dies in a sanitarium, a statement of the cause of death, with the name of any person present at the death, shall be forthwith drawn up and signed by the superintendent of the sanitarium, and a copy thereof duly certified by the proprietor or superintendent shall, within forty-eight hours after the death of the patient, be transmitted by him to the nearest coroner and to the inspector and to the secretary of the board, and also to the person who signed the requisition for the patient's admission or, if he is dead or absent from Ontario, to the person who made the last payment on account of the patient. Certificate required in case of death.

(2) Every person who contravenes subsection 1 shall incur a penalty not exceeding \$200. Penalty.  
R.S.O. 1927, c. 355, s. 37.

**38.** Where a person discharged from a sanitarium considers himself to have been unjustly detained therein the secretary of the board shall, at his request, furnish to him or to his solicitor, without fee or reward, a copy of the certificates and requisition upon which he was admitted or detained. Furnishing copy of certificates and requisition.  
R.S.O. 1927, c. 355, s. 38.

#### MEDICAL ATTENDANTS.

**39.**—(1) In every sanitarium licensed for one hundred patients or more there shall be a legally qualified resident medical practitioner as superintendent or medical attendant thereof and one legally qualified medical practitioner for each Staff of medical attendants.

thirty patients over the first thirty in residence, and in every such sanitarium licensed for less than one hundred and more than fifty patients there shall be one legally qualified medical practitioner for each thirty patients in residence, and every sanitarium licensed for less than fifty patients, if it is not kept by or has not a resident legally qualified medical practitioner, shall be visited by one twice in every week, but the board or the inspector may direct that such last mentioned sanitarium shall be visited by a legally qualified medical practitioner at any other time or times not oftener than once in every day.

When less than eleven patients.

(2) Where a sanitarium is licensed to receive less than eleven patients any two members of the board may, by writing under their hands, permit the sanitarium to be visited by a physician at such intervals more distant than twice every week, as such visitors appoint, but not at a greater interval than once in every two weeks. R.S.O. 1927, c. 355, s. 39.

"The Clinical Record."

**40.**—(1) There shall be kept in every sanitarium a record to be called "The Clinical Record" in which the physician keeping or residing in or visiting such sanitarium shall make or cause to be made entries at least every week of the mental state and bodily condition of each patient and a correct statement of the treatment pursued.

Duty to furnish copies.

(2) The inspector or the board may, whenever he or they see fit, by an order in writing, require the superintendent to transmit to him or them a correct copy of the entries or entry in the clinical record relative to the case of any patient who is or has been detained in the sanitarium.

Penalty.

(3) Every person who contravenes any of the provisions of this section shall incur a penalty not exceeding \$40. R.S.O. 1927, c. 355, s. 40.

Forms and regulations.

**41.** There shall also be kept and observed such forms and regulations as the inspector shall from time to time direct for the further purpose of recording clinical particulars regarding patients' mental and physical condition and reporting particulars regarding the estates of patients. R.S.O. 1927, c. 355, s. 41.

#### INSPECTION OF SANITARIA.

Inspection and visitation.

**42.** Every sanitarium shall be visited and inspected,—

By visitors.

(a) by two at least of the members of the board, one of whom shall be a legally qualified medical practitioner, four times at the least in every year; and



- (b) at least once in every year by the inspector who shall prepare and forward a full report of his visit of inspection to the Minister. R.S.O. 1927, c. 355, s. 42. By inspector.

**43.**—(1) The visitors and inspector, when visiting any such sanitarium, shall inspect every part of it and every house, out-house, place and building communicating with it or detached from it, but not separated by ground belonging to another person, and every part of the ground and apurtenances held, used or occupied therewith, and shall see every patient then detained therein, and shall inquire whether any patient is under restraint and why, and shall inspect the order and certificates or certificate for the reception and detention of every patient who has been received into the sanitarium since the last visit, and shall enter in the visitors' book a minute as to,— Duties of visitors and inspector in making visits.

- (a) the then condition of the sanitarium, its furniture, furnishings and surroundings;
- (b) the appearance of the patients, particularly noting if there are any marks of violence;
- (c) the condition of the beds and bedding;
- (d) whether the dietary is suitable and the food service satisfactory;
- (e) whether the staff is sufficient;
- (f) the number of patients under restraint or in seclusion with the reasons stated therefor;
- (g) any irregularity in the order or certificate;
- (h) whether the previous suggestions, if any, of the inspector or visitors have been attended to; and
- (i) any matter as to which they or he deem it proper to make observations.

(2) The proprietor or superintendent shall show to the visitors or inspector every part of the sanitarium and every person detained therein as a patient. Duties of proprietor or superintendent.

(3) The visitors and inspector shall inquire,—

- (a) whether divine service is held therein, for what number of patients, and the effect thereof;
- (b) what occupations or amusements are provided for the patients, and the result thereof;

Inquiries to be made by the visitors.

- (c) whether there has been adopted any system of non-restraint, and if so the result thereof;
- (d) as to the classification of patients;
- (e) whether there is any patient who should be discharged;
- (f) whether the building, its furniture and furnishings are suitable;
- (g) whether the nurses engaged in caring for the patients are properly trained for the work in which they are engaged, and how many trained graduate nurses are employed; and
- (h) as to any other matter as to which it may be proper to inquire in order to ascertain whether the sanitarium is properly conducted.

What information to be laid before the visitors.

(4) Upon every visit there shall be laid before the visitors or the inspector by the proprietor or superintendent,—

- (a) a list of all the patients then in the sanitarium, distinguishing males from females, and specifying such as are deemed curable;
- (b) the books and records required to be kept by the proprietor or superintendent, and by a medical attendant;
- (c) all requisitions and certificates relating to patients admitted since the last visit;
- (d) the license then in force;
- (e) all such other requisitions, certificates, documents and papers relating to any of the patients at any time received into the sanitarium as the visitors or inspector from time to time require to be produced. R.S.O. 1927, c. 355, s. 43.

Plan and "Visitors' Book" to be kept.

**44.** There shall be hung up in some conspicuous part of every sanitarium a copy of the plan sent to the inspector on applying for the license, and there shall be kept in every such sanitarium a copy of this Act, bound in a book, to be called "The Visitors' Book." R.S.O. 1927, c. 355, s. 44.

Copies of certain entries.

**45.**—(1) The proprietor or superintendent of every sanitarium shall, within three days after every visit by the visitors, transmit to the inspector and the secretary of the board a true copy of the entries made by them in the visitors' book.

(2) The proprietor or superintendent of every sanitarium shall, on the last day of each month, report to the inspector the name of each patient admitted during that month, and transmit copies of the certificates and papers upon which each such patient was admitted, and shall at any and all times furnish to the inspector such other reports and information relative to any patient as may be required by him. Monthly report to inspector.

(3) Every person who contravenes any of the provisions of subsections 1 and 2 shall incur a penalty not exceeding \$40. Penalty for omission.  
R.S.O. 1927, c. 355, s. 45.

**46.** The inspector or any two or more members of the board may visit and inspect a sanitarium within their jurisdiction at any hour of the day or night. R.S.O. 1927, c. 355, s. 46. Visits.

#### DISCHARGE OF PATIENTS.

**47.—**(1) Subject to subsection 3, where the person who signed the requisition on which a patient was received into a sanitarium, by writing under his hand, directs the patient to be removed or discharged, such patient shall forthwith be removed or discharged accordingly. Order for discharge.

(2) Subject to subsection 3, if the person who signed the requisition is incapable of giving an order for the discharge or removal of the patient, or if he is absent from Ontario or is dead, the husband or wife of the patient, or if there is no husband or wife, the father of the patient, or if there is no father, the mother of the patient, or if there is no mother, then any one of the nearest of kin for the time being of the patient, or the person who made the last payment on account of the patient, may, by writing under his or her hand, give such direction for the discharge or removal of the patient and thereupon the patient shall be forthwith discharged or removed accordingly. Disability of person who signed the requisition for admission.

(3) No patient shall be discharged or removed if the superintendent or attending physician, by writing under his hand, certifies that in his opinion the patient is dangerous and unfit to be at large, together with the grounds on which such opinion is founded, unless the inspector after such certificate has been produced to him, gives his consent in writing to the discharge or removal of the patient. R.S.O. 1927, c. 355, s. 47. What to be done if the physician in charge objects.

**48.** Nothing herein shall prevent a patient from being transferred from one sanitarium to another or to an institution under *The Mental Hospitals Act*, but in such case the Transfer to another sanitarium or other institution.

Rev. Stat.,  
c. 392.

patient shall, for the purpose of such removal, be placed under the control of an attendant belonging to the sanitarium to or from which he is about to be removed, and shall remain under such control until the removal has been effected. R.S.O. 1927, c. 355, s. 48; 1935, c. 39, sched.; 1937, c. 72, s. 45 (2).

Discharge  
of patients  
by order of  
inspector or  
visitors.

**49.**—(1) The inspector or any two or more members of the board, one of whom is a legally qualified medical practitioner, may make special visits to any patient on such days and at such hours as they think fit; and if after two distinct and separate visits made by the same visitors or inspector it appears that the patient is detained without sufficient cause such visitors or the inspector may order his discharge and the patient shall be discharged accordingly.

Prerequi-  
sites.

(2) Every such order shall be signed by such visitors or inspector, and the discharge of a patient shall not be ordered until after a conference with the superintendent or an attending medical practitioner respecting the fitness of the patient to be discharged.

Objections  
of physician  
in charge  
to be re-  
corded.

(3) If the visitors or inspector, after such conference, discharge a patient, and the superintendent or medical practitioner has furnished them with a statement in writing containing his reasons against the discharge, they or he shall forthwith transmit such statement to the secretary of the board, who shall enter and register it in a book to be kept for that purpose.

Time  
between  
visits;  
notice of  
visits.

(4) Not less than seven days shall intervene between the first and second of such special visits, and the board or inspector shall, seven days before the second of such visits, give notice thereof, either by post or by an entry in the visitors' book, to the proprietor or superintendent of the sanitarium, and the proprietor or superintendent shall forthwith if possible transmit by registered post a copy of the notice to the person by whose authority the patient was admitted or by whom the last payment on account of such patient was made.

What  
patients the  
visitors  
cannot  
discharge.

(5) None of the powers of discharge shall extend to a patient confined under an order or the authority of the Lieutenant-Governor or under the order of any court of criminal jurisdiction. R.S.O. 1927, c. 355, s. 49.

#### ORDER FOR INFORMATION.

Information  
respecting  
individuals  
detained in  
sanitarium.

**50.** If a person applies to a member of the board or to the inspector to be informed whether any particular person is detained in a sanitarium the member or inspector may give a direction so to do to the secretary of the board who shall on the receipt of such direction make search amongst the



returns made to him in pursuance of this Act, whether the person inquired for is or, within the then last twelve months, has been detained in any sanitarium under the jurisdiction of the board; and if it appears that such person is or has been so detained the secretary shall deliver to the person applying a statement in writing specifying,—

- (a) the name and location of the sanitarium in which the person appears to be or to have been detained;
- (b) the name of the proprietor or superintendent thereof;
- (c) the date of admission of such person; and
- (d) in case of his having been removed or discharged, the date of his removal or discharge. R.S.O. 1927, c. 355, s. 50.

#### ORDERS FOR ADMISSION.

**51.**—(1) Any member of the board or the inspector may, <sup>Visits of relatives or friends.</sup> at any time, give an order in writing under his hand for the admission to any patient detained in a sanitarium of any relation or friend of such patient or of any person whom any relation or friend of the patient desires to be admitted to him.

(2) The order may be either for a single admission or for <sup>Extent.</sup> an admission for any limited number of times or for admission generally at all reasonable times.

(3) If the proprietor or superintendent refuses admission <sup>Penalty for refusing admission.</sup> to or prevents or obstructs the admission to any patient of a person who produces such an order for his admission, he shall incur a penalty not exceeding \$80. R.S.O. 1927, c. 355, s. 51.

#### MISCELLANEOUS PROVISIONS.

**52.**—(1) If the superintendent of a sanitarium considers <sup>Entrusting patient to custody of his friends.</sup> it conducive to the recovery of any patient that he should be entrusted for a time to the care of his friends the superintendent may allow such patient to return on trial to his friends upon receiving a written undertaking by one or more of them that he or they will keep an oversight over such patient.

(2) If within six months thereafter the patient becomes <sup>Recommittal to sanitarium.</sup> dangerous or unfit to be at large, the medical superintendent, with the consent of the inspector or one of the visitors, to be indorsed on the warrant, may, by his warrant directed to any person or to any constable or peace officer or to all constables or peace officers, authorize and direct that such patient be apprehended and brought back to the sanitarium, and the warrant so indorsed shall be an authority to any one acting

under it to apprehend the person named in it and to bring him back to the sanitarium. R.S.O. 1927, c. 355, s. 52.

Excursions  
for benefit  
of health.

**53.** The proprietor or superintendent of a sanitarium, with the consent in writing of any two of the visitors, may send or take under proper control any patient to any specified place for any definite time for the benefit of his health; but before such consent is given, the approval in writing of the person who signed the requisition for the admission of the patient, or by whom the last payment on account of the patient was made, shall, if required, be produced to such visitors. R.S.O. 1927, c. 355, s. 53.

Attend-  
ance of  
witnesses.

**54.—**(1) The inspector or any two members of the board may, by summons under their hands and seals (Form 7), require any person to appear before him or them to testify on oath the truth touching any matters respecting which such inspector or visitors are authorized to inquire.

Penalty for  
non-com-  
pliance with  
summons.

(2) Every person who does not appear pursuant to such summons, or does not assign some reasonable excuse for not appearing, or appears and refuses to be sworn or examined, shall incur a penalty not exceeding \$200.

Expenses of  
witnesses.

(3) The inspector or the visitors may direct the secretary of the board to pay to any person who appears pursuant to the summons all reasonable expenses of his appearance and attendance, and the same shall be deemed expenses incurred by the board in the execution of this Act and to be taken into account and paid accordingly. R.S.O. 1927, c. 355, s. 54.

Penalty for  
supplying  
liquor or  
drugs to  
inmates.

**55.** Every person who knowingly gives, conveys, or supplies to any patient detained in any sanitarium any intoxicating liquor or morphia, cocaine or other drugs without the order of the superintendent first obtained in writing shall incur a penalty not exceeding \$50. R.S.O. 1927, c. 355, s. 55.

Penalty for  
assisting  
inmates to  
escape.

**56.** Every one who knowingly assists directly or indirectly any patient detained in a sanitarium to escape therefrom shall incur a penalty on summary conviction before two justices of the peace, of a sum not exceeding \$100. R.S.O. 1927, c. 355, s. 56.

Disposition  
of penalties.

**57.** All penalties when recovered shall be paid to the clerk of the peace for the county or district in which the offence was committed, to be by him applied and accounted for as hereinbefore directed with respect to money received for licenses. R.S.O. 1927, c. 355, s. 57.

**58.** If an action is brought against any person for anything done or purporting to be done in pursuance of this Act by and on behalf of any person who has been detained in a sanitarium and has been released therefrom, the same shall be commenced within twelve months next after his release. R.S.O. 1927, c. 355, s. 58. Limitation of actions.

**59.**—(1) No prosecution for any offence against this Act shall be brought except upon the order in writing of the board or with the consent in writing of His Majesty's Attorney-General for Ontario. Leave to prosecute.

(2) *The Summary Convictions Act* shall apply to every such prosecution. Application of Rev. Stat., c. 136.

(3) Every such prosecution shall be heard before a magistrate or two justices of the peace. R.S.O. 1927, c. 355, s. 59. Before whom.

**60.** The costs, charges and expenses incurred by or under any order of the board shall be paid by the clerk of the peace for the county, and be included by him in the account of receipts and payments hereinbefore directed to be kept by him. R.S.O. 1927, c. 355, s. 60. Costs, charges and expenses.

#### ADMISSION OF ALCOHOLIC HABITUATES.

**61.** If the license so permits, an alcoholic habituate may be admitted to a sanitarium upon his voluntary application in writing if it is certified by a legally qualified medical practitioner to the satisfaction of the superintendent that the applicant is an alcoholic habituate, that he is a reasonably hopeful subject for treatment with a view to his cure, and further, that at the time of his admission he is capable of appreciating the fact that he is to be admitted as a voluntary patient. R.S.O. 1927, c. 355, s. 61. Voluntary admission of alcoholic habituates.

**62.** Such alcoholic habituate may remain a patient in the sanitarium for a period of two years and no longer; and it shall be a condition of his admission that before his admission he shall sign a pledge agreeing and consenting to remain such length of time, not exceeding one year, as, in the opinion of the superintendent, is required to effect a permanent cure of his habit, and to faithfully conform to all the rules and regulations of the sanitarium while an inmate. R.S.O. 1927, c. 355, s. 62. Period of detention.

**63.** The medical superintendent shall have full authority to discharge from the sanitarium when, in his opinion, it may be Discharge of voluntary patients.

advisable, any person who has been admitted to it by his own voluntary application. R.S.O. 1927, c. 355, s. 63.

Admission  
at instance  
of relatives  
or friends.

**64.** On petition verified by oath, presented to a judge of the county or district court of the county or district in which the alleged alcoholic habituate resides, by any relative, whether by blood or affinity, or, if he has no relative in Ontario, by any friend of the alleged alcoholic habituate, setting forth that the alleged habituate is a *bona fide* resident of Ontario, and is so given over to drunkenness as to render him unable to control himself, and is incapable of managing his affairs, or that by reason of such drunkenness he either squanders or mismanages his property, or places his family in danger or distress, or transacts his business prejudicially to the interest of his family or his creditors, or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health and shortening his life thereby, and praying that a hearing and examination of the matters and allegations set forth in the petition may be had, the judge shall direct that a copy of the petition shall forthwith be served upon the alleged alcoholic habituate, and with such copy there shall be served an appointment signed by the judge appointing a time and place for the hearing of the matters and allegations contained in the petition, and such service shall be at least eight clear days before the time fixed for the hearing. R.S.O. 1927, c. 355, s. 64.

Hearing the  
petition.

**65.** The judge shall attend at the time and place named in the appointment and then and there proceed to inquire into the matters and allegations set forth in the petition, but he may in his discretion adjourn the inquiry from time to time. R.S.O. 1927, c. 355, s. 65.

Powers of  
judge.

**66.** The judge shall have the same powers as to summoning witnesses, enforcing their attendance and the production of documents as in proceedings in the county or district court, and each party may retain counsel to conduct the proceedings and to examine witnesses. R.S.O. 1927, c. 355, s. 66.

Rights of  
parties.

Order for  
admission  
and deten-  
tion.

**67.—(1)** If the judge upon such inquiry finds the person petitioned against to be an alcoholic habituate and so given over to drunkenness as to render him unable to control himself and incapable of managing his affairs, or that on that account he squanders or mismanages his property, or places his family in danger or distress, or transacts his business prejudicially to the interest of his family or his creditors, or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health or



shortening his life, the judge may order him to be admitted to and detained in the sanitarium for a period not exceeding two years.

(2) Before such order is made, the judge shall ascertain that there is a vacancy in such sanitarium, and that satisfactory arrangements have been made with the medical superintendent thereof for the payment of the maintenance of such alcoholic habituate.

(3) The order for the conveyance of the alcoholic habituate to the sanitarium may be carried out by the sheriff or by any other person to whom it is directed. R.S.O. 1927, c. 355, s. 67.

**68.** If an inmate of the sanitarium, admitted or committed under section 61 or 67, escapes therefrom, any officer or servant of the sanitarium or any other person at the request of the superintendent may, within forty-eight hours after such escape, or within one month thereafter when a warrant has been issued by the superintendent in that behalf, retake such escaped person and return him to the sanitarium where he shall remain under the authority by virtue of which he was detained prior to such escape. R.S.O. 1927, c. 355, s. 68.

**69.** All the provisions of this Act relating to alcoholic habituates shall extend *mutatis mutandis* to every person who is a drug habituate. R.S.O. 1927, c. 355, s. 69.

## FORM 1.

(Section 24.)

## REQUISITION FOR THE RECEPTION OF A PATIENT.

I, the undersigned, hereby request you to receive *A.B.*, a person, mentally diseased, as a patient into your sanitarium.

*Name.*

[*State occupation (if any), his place of abode, degree of relationship, if any, or other circumstances of connection with the patient.*]

1. Name of Patient, with Christian name at length.
2. Sex and age.
3. Married, single, or widowed.
4. Condition of life and previous occupation (if any).
5. Previous place of abode.
6. Religious persuasion, so far as known.
7. Duration of existing attack.
8. Whether first attack.
9. Age (if known) on first attack.
10. Whether subject to epilepsy.
11. Whether suicidal or dangerous to others.
12. Previous place of confinement (if any).
13. Special circumstances (if any) preventing the patient being examined, before admission, separately by two physicians.
14. Special circumstances (if any) preventing the insertion of any of the above particulars.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed)

*Name.*

To

Proprietor (*or*, Superintendent) of

(*describing sanitarium by situation and name, if any*)

R.S.O. 1927, c. 355, Form 1.

## FORM 2.

(Sections 24, 25.)

## FORM OF MEDICAL CERTIFICATE.

I, \_\_\_\_\_ (*state degree or qualification*), being a legally qualified medical practitioner, hereby certify that I have this day, separately from any other medical practitioner, visited and personally examined *A.B.*, the person named in the accompanying statement and requisition, and that the said *A.B.* is a person suffering from mental disease, and a proper person to be confined, and that I have formed this opinion from the following fact (*or facts*), viz.:

(Signed)

*Name.*

*Place of abode.*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Witness }

R.S.O. 1927, c. 355, Form 2.



FORM 4.

(Section 34.)

## NOTICE OF ADMISSION.

I hereby give you notice, that *A.B.* was received into this sanitarium as a patient, on the \_\_\_\_\_ day of \_\_\_\_\_, and I herewith transmit a copy of the requisition and medical certificates (*or* certificate) on which he was received.

Subjoined is a statement with respect to (his *or* her) mental and bodily condition.

(Signed) \_\_\_\_\_ *Name.*  
Superintendent (or Proprietor) of \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

### STATÈMENT.

I have this day seen and personally examined A.B., the patient named in the above notice, and hereby certify that, with respect to mental state, he (or she), \_\_\_\_\_, and that, with respect to bodily health and condition, he (or she) \_\_\_\_\_.

(Signed) \_\_\_\_\_ *Name.*  
Medical Proprietor (or Superintendent,  
or Attendant), of \_\_\_\_\_

Dated this                      day of                      , 19                      .

R.S.O. 1927, c. 355, Form 4.



FORM 5.  
(Section 36.)  
REGISTER OF DISCHARGES AND DEATHS.

Date of Death or Dis-charge.		Date of Last Admission.		No. in Register of Patients.		Name and Surname in Full.		Sex.		Discharged.			Died.		Removed.		Assigned Cause of Death.		Age at Death.		Observations.		
								M.		Recovered.		Relieved.		Not Improved.									
								F.															

R.S.O. 1927, c. 355, Form 5.

## FORM 6.

(Section 36.)

## FORM OF NOTICE OF DISCHARGE OR DEATH.

I hereby give you notice that \_\_\_\_\_ a patient received  
 into this sanitarium for mental diseases on the \_\_\_\_\_ day of  
 \_\_\_\_\_ was discharged therefrom, recovered (*or* relieved, *or*  
 not improved) (*or* was removed therefrom) by the authority of  
 (*or* died therein) on the \_\_\_\_\_ day of \_\_\_\_\_

(Signed)

Name.

Superintendent (*or* Proprietor)  
 of house at \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

*In case of death, add—*and I further certify that *A.B.* was present  
 at the death of the said \_\_\_\_\_, and that the apparent cause  
 of the death of the said \_\_\_\_\_ (ascertained by *post*  
*mortem* examination, *if so*) was \_\_\_\_\_

R.S.O. 1927, c. 355, Form 6.

## FORM 7.

(Section 54.)

## FORM OF SUMMONS.

We, (*names in full*) \_\_\_\_\_ being two of  
 the visitors appointed under *The Private Sanitaria Act*, do hereby  
 summon and require you personally to appear before us at  
 \_\_\_\_\_ in \_\_\_\_\_ on \_\_\_\_\_  
 the \_\_\_\_\_ day of \_\_\_\_\_, at the hour of \_\_\_\_\_  
 in the \_\_\_\_\_ noon of the same day, and then and there to be  
 examined, and to testify the truth touching certain matters relating to  
 the execution of the said Act.

Given under our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_  
 in the year of our Lord, 19 \_\_\_\_.

R.S.O. 1927, c. 355, Form 7.

## CHAPTER 395.

### The Sanatoria for Consumptives Act.

#### PART I.

#### 1. In this Act,—

Interpreta-  
tion.

- (a) "Association" shall mean and include any association, body or organization howsoever incorporated, authorized or empowered for the purpose of establishing, maintaining or operating a sanatorium; "Associa-  
tion."
- (b) "Board" shall mean a board of trustees, directors, commission or other governing body or authority of a sanatorium; "Board."
- (c) "Department" shall mean the Department of Health for Ontario; "Depart-  
ment."
- (d) "Dependant" shall mean and include a patient for the charges for whose treatment some other person is liable in law; "Depen-  
dant."
- (e) "Inspector" shall mean an officer of the Department designated under this Act as an inspector; "Inspector."
- (f) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act; "Minister."
- (g) "Municipality" shall mean a city, separated town or county, except that in a territorial district it shall mean a city, town, village or township; "Municipality."
- (h) "Patient" shall mean a person admitted to a sanatorium for the purpose of treatment; "Patient."
- (i) "Preventorium" shall mean a sanatorium for treatment of patients who may not be infected with tuberculosis, but who are suspected of being infected with or are considered likely to become infected with tuberculosis or who have been exposed to infection from tuberculosis; "Preven-  
torium."
- (j) "Provincial aid" shall mean aid granted to a sanatorium out of moneys appropriated for the purpose by the Legislature; "Provincial  
aid."

- "Regulations," (k) "Regulations" shall mean regulations made under this Act;
- "Resident," (l) "Resident" shall mean a person who has actually resided in a municipality for the period of three months within the five months next prior to admission to a sanatorium;
- "Sanatorium," (m) "Sanatorium" shall mean and include any sanatorium, preventorium, institution, building or other premises or place, howsoever created, established or incorporated for the treatment of patients;
- "Superintendent," (n) "Superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a sanatorium;
- "Territorial district," (o) "Territorial district" shall mean any of the territorial districts set forth in *The Territorial Division Act*; Rev. Stat., c. 3.
- "Treatment," (p) "Treatment" shall mean and include the stay, maintenance, observation, care, nursing and treatment, preventive or otherwise, of a patient who is infected or suspected of being infected or who is considered likely to become infected with tuberculosis, or who has been exposed to infection from tuberculosis;
- "Unorganized territory," (q) "Unorganized territory" shall mean that part of a territorial district which is without municipal organization. 1931, c. 76, s. 2.

## PART II.

## DEPARTMENTAL CONTROL.

Sanatoria  
aided in  
1930  
approved.  
Rev. Stat.,  
1927, c. 357.

2.—(1) The several institutions with their respective properties and appurtenances which under *The Sanatoria for Consumptives Act* received aid for the year 1930 from the Province of Ontario shall for the purposes of this Act be deemed to be sanatoria, as if the same had been approved under this Act.

New  
sanatoria  
to be  
approved.

(2) No institution, building or other premises or place shall hereafter be created, established, incorporated, operated or used as a sanatorium until the same has been approved by the Lieutenant-Governor in Council.

Suspension  
or  
revocation  
of approval.

(3) Any approval given or deemed to have been given under this Act in respect of any sanatorium may be suspended by the Minister or revoked by the Lieutenant-Governor in Council. 1931, c. 76, s. 3.



**3.** The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make such regulations with respect to sanatoria as may be deemed necessary for,—

- (a) their creation, establishment, construction, alteration, equipment, maintenance and repair; Regulations for sanatoria.  
Creation, construction, etc.
- (b) their classification, grades and standards; Classification, etc.
- (c) their inspection, control, government, management, conduct, operation and use; Inspection, operation, etc.
- (d) their inspectors, superintendents, staffs, officers, servants and employees and the powers and duties thereof; Staffs, etc.
- (e) the admission, treatment, conduct and discharge of patients; Patients, etc.
- (f) the classification, length of stay, rates and charges of and for patients; Rates, etc.
- (g) the records, books, accounting system, reports and returns to be made and kept by sanatoria; Accounting, etc.
- (h) the distribution, payment, withholding and restoration of and other matters affecting provincial aid; and Provincial aid.
- (i) all other matters affecting sanatoria. 1931, c. 76, s. 4. General.

**4.** It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act, and the regulations, and the Department may, from time to time, declare all or any of the regulations to be in force with respect to all sanatoria or any specified sanatorium or sanatoria for such time or times as the Department may deem expedient. 1931, c. 76, s. 5. Enforcement of Act.

**5.** The Minister, with the approval of the Lieutenant-Governor in Council may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations, and the powers and duties of such inspectors shall be prescribed by the regulations. 1931, c. 76, s. 6. Inspectors.

**6.** Every sanatorium approved or deemed to be approved under this Act may be carried on under the powers and authorities conferred by any general or special Act under which it was created, established, incorporated or empowered, but where the provisions of any general or special Act heretofore passed conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail. 1931, c. 76, s. 7. Powers of sanatorium.

## PART III.

## MUNICIPAL SANATORIA.

Establish-  
ment of  
municipal  
sanatorium.

**7.** Subject to the provisions of this Act, any municipal corporation, including a county, or, jointly, any two or more such municipal corporations, may establish a sanatorium, and may for that purpose acquire land and erect and equip buildings thereon and do such other things as may be necessary or incidental to the establishment, completion, maintenance and operation of a sanatorium, and the carrying out of the provisions of this Act and the regulations. 1931, c. 76, s. 8.

Provisional  
agreement  
for joint  
sanatorium.

**8.** When two or more municipal corporations propose jointly to establish a sanatorium, the councils of such corporations shall provisionally agree upon the proposal respecting the same. 1931, c. 76, s. 9.

Submission  
of proposals  
to Depart-  
ment.

**9.** Any municipal corporation or corporations which propose to establish a sanatorium shall submit the proposals to the Department and therewith shall also submit such provisional by-laws, agreements, plans, estimates and other material and information as may be required by the regulations. 1931, c. 76, s. 10.

Site in  
another  
municipal-  
ity.

**10.** If the site for a proposed sanatorium is situate elsewhere in Ontario than in the municipality or in one of the municipalities, the corporation of which is proposing or is a party to proposing its establishment, the Department shall, upon the proposals being submitted to it, notify in writing the head of the municipality in which the site is situate of the proposals made, and the council of such municipality, shall within one month after receipt of such notice, state in writing to the Department, the objections, if any, which it may have to the establishment of a sanatorium on such site, but no such objection shall necessarily prevent approval being given hereunder. 1931, c. 76, s. 11.

(NOTE.—See also section 45 of *The Public Health Act*. *Rev. Stat.*, c. 299.)

Approval by  
Order-in-  
Council.

**11.** The Minister shall submit the proposals, with any report thereon which he may see fit to make, to the Lieutenant-Governor in Council, and upon the same being approved, either as submitted or as modified or altered in any way by the Lieutenant-Governor in Council, such approval shall, subject as hereinafter provided, be sufficient authority for the municipal corporation or corporations to establish a sanatorium in accordance therewith. 1931, c. 76, s. 12.

**12.** When by approval of the Lieutenant-Governor in Council a municipal corporation is, or, jointly, two or more municipal corporations are authorized to establish a sanatorium, the council or councils of such corporation or corporations, as the case may be, may with the assent of the electors of such municipality or municipalities qualified to vote on money by-laws, pass all by-laws necessary to establish, erect, complete and equip the sanatorium and to issue debentures to pay for the cost thereof and where, jointly, two or more municipal corporations are establishing the sanatorium, to enter into an agreement respecting the same according to form approved by the Lieutenant-Governor in Council. 1931, c. 76, s. 13.

Procedure  
for estab-  
lishment,  
by-laws, etc.

**13.** Where the municipal corporation authorized by the approval of the Lieutenant-Governor in Council, either alone or jointly with another municipal corporation, to establish a sanatorium is a county, it shall not be necessary that any by-laws passed by the council of such county, under section 12, shall be assented to by the electors qualified to vote on money by-laws if such by-laws are passed with the vote of two-thirds of all the members of the county council. 1931, c. 76, s. 14.

County  
sanatorium.

**14.** Subject as otherwise herein provided, the provisions of *The Municipal Act* shall apply to all by-laws passed and to all debentures issued by a municipal corporation under this Act. 1931, c. 76, s. 15.

Rev. Stat.,  
c. 266, to  
apply.

**15.** When it is proposed by a municipal corporation, which has or by two or more municipal corporations which, jointly, have established a sanatorium, to make any extensions, additions, or structural alterations or improvements to such sanatorium, or to erect any new buildings in connection therewith, the powers and proceedings with respect to such proposals and obtaining approval thereof, and to the passing of by-laws, issue of debentures and entering into of agreements, shall be the same as for the establishment of a sanatorium. 1931, c. 76, s. 16.

Improve-  
ments for  
sanatorium.

**16.** When a municipal corporation has, or, jointly, two or more municipal corporations have established a sanatorium, the management and control over the same, and its erection, equipment, maintenance, operation, use and affairs generally shall be vested in a board composed of not less than five trustees to be appointed by by-law of the establishing municipal corporation or in case of the establishment of a sanatorium, jointly, by two or more municipal corporations, in accordance with the provisions of the agreement entered into respecting the same. 1931, c. 76, s. 17.

Board of  
manage-  
ment.

Trustees.

**17.** The qualifications of the trustees forming the board, their term of office, which shall not exceed five years, the quorum of their meetings and the manner of appointment of successors and of filling vacancies in the office of trustees shall be provided for in such by-law or agreement, and the trustees appointed shall hold office until their successors are appointed. 1931, c. 76, s. 18.

Corporate  
body.

**18.** The Board of trustees of a sanatorium shall be a corporation under such name as may be designated in the approval given by the Lieutenant-Governor in Council for its establishment. 1931, c. 76, s. 19.

Chairman.

**19.** The board shall of its members elect yearly one of them to be its chairman to hold office for one year, or until his successor is appointed, and a vice-chairman may also similarly be elected. 1931, c. 76, s. 20.

Agreements  
with associ-  
ations.

**20.** With the approval of the Lieutenant-Governor in Council, an association which has authority to establish, maintain and operate a sanatorium may enter into an agreement with one or more municipal corporations, including a county or counties, respecting the establishment of such sanatorium or with respect to providing in whole or in part the cost of erecting, equipping, improving, enlarging, extending or altering a sanatorium established by the association, but no by-law of a municipal corporation for the purpose of providing any such cost, by the issue of debentures or otherwise, shall be passed otherwise than in accordance with the provisions of section 12 or 13 in respect to by-laws passed thereunder. 1931, c. 76, s. 21.

## PART V.

### ALL SANATORIA.

Application  
of Part.

**21.** The provisions of this Part shall apply to all sanatoria whether established by municipal corporations or associations. 1931, c. 76, s. 22.

Powers of  
Board.

**22.** Subject as in this Act and the regulations provided, or in any agreement entered into under the provisions of this Act stipulated, it shall be the duty of the board of a sanatorium, and it shall have power to govern, manage and control its affairs, and its maintenance, operations and use, and the admission, treatment, conduct, discipline and discharge of patients therein, and for such purposes, the board may pass by-laws, rules and regulations, but no such by-law, rule or regulation



shall have force or effect until the same is approved by the Lieutenant-Governor in Council. 1931, c. 76, s. 23.

**23.** Subject to the regulations, the board may appoint such superintendents, officers, staffs, employees, and servants of a sanatorium as from time to time may be necessary and fix their salaries and prescribe their powers and duties. 1931, c. 76, s. 24.

**24.** With the approval of the Lieutenant-Governor in Council, the board may pass by-laws for expropriating any land adjacent to or in the vicinity of a sanatorium, which may be deemed requisite for or advantageous to its purposes, and in that behalf may exercise the powers of expropriation conferred on a municipality under *The Municipal Act*, the provisions of which relating thereto shall, *mutatis mutandis*, apply to and govern the exercise of such powers so far as the same are applicable or necessary thereto, and the superintendent in such case shall exercise the powers and perform the duties which under the said Act are to be exercised and performed by the clerk of the municipality; provided, however, that the board of a sanatorium which has been established by a municipal corporation or corporations, shall not exercise any such power of expropriation without the consent first obtained of the council or councils of such corporation or corporations. 1931, c. 76, s. 25.

**25.** The real property acquired and used for the purpose of and in connection with a sanatorium shall be exempt from all municipal or other taxation, including taxation for school purposes, except and excluding, however, any municipal tax or rate imposed in respect to any public utility supplied to a sanatorium. 1931, c. 76, s. 26.

**26.** No part of any property acquired or used for the purposes of a sanatorium shall be sold, leased, mortgaged, or otherwise disposed of without the approval of the Lieutenant-Governor in Council. 1931, c. 76, s. 27.

**27.** No part of any property acquired or used for the purposes of a sanatorium shall be expropriated by any corporation or person having powers of expropriation under any Act, without the approval of the Lieutenant-Governor in Council. 1931, c. 76, s. 28.

**28.** Nothing in sections 26 and 27 contained, shall apply to or prevent the sale, disposition or expropriation of any part of the property acquired or used for the purposes of a sana-

torium if the same is required in the widening of any highway, if the Minister has first approved thereof. 1931, c. 76, s. 29.

Donations.

**29.** The board may accept from any person donations of property, real or personal, and whether by will or otherwise, for the endowment, use or benefit of a sanatorium and subject to the terms of the donation may apply the same for such purposes. 1931, c. 76, s. 30.

Approval  
for closing  
sanatorium.

**30.** No sanatorium which has been approved and established may permanently be closed without the approval of the Lieutenant-Governor in Council, and when any sanatorium is closed or proposed to be closed permanently, the Lieutenant-Governor in Council may make such provision for the sale or other disposition of the sanatorium and all the properties and assets thereof, and for the application of any proceeds of such sale or disposition and otherwise in every respect, as he may deem proper. 1931, c. 76, s. 31.

Medical  
students'  
clinics.

**31.** Subject to the provisions of any existing agreement relating thereto, every sanatorium receiving provincial aid shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations. 1931, c. 76, s. 32.

Sanatorium  
to admit  
patients.

**32.** Except as may otherwise be provided in this Act, no sanatorium receiving provincial aid shall refuse to admit as a patient any person who is in need of treatment. 1931, c. 76, s. 33.

Admissions  
to preven-  
torium.

**33.** A preventorium shall not be required to admit as a patient any person who is actually infected with tuberculosis. 1931, c. 76, s. 34.

Admissions  
to associa-  
tion sana-  
torium.

**34.** Except as may otherwise be provided in this Act or in the agreement, no sanatorium established by an association which has entered into an agreement with a municipal corporation under this Act shall refuse to admit as a patient any indigent person or dependant of an indigent person resident in such municipality and requiring treatment. 1931, c. 76, s. 35.

Refusal of  
communic-  
able disease  
cases.

Rev. Stat.,  
c. 299.

**35.** Nothing in this Act contained shall require that any sanatorium admit or retain as a patient any person suffering from a communicable disease which under *The Public Health Act* or regulations made thereunder requires quarantine and placarding. 1931, c. 76, s. 36.

**36.** Nothing in this Act contained shall unless by refusal of admission, life would thereby be endangered, require that any sanatorium admit as a patient any person who is not a resident or a dependant of a resident in Ontario. 1931, c. 76, s. 37.

## PART VI.

### MUNICIPAL LIABILITY.

**37.**—(1) Subject as in this Act may otherwise be provided, when any patient in a sanatorium is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the sanatorium for payment of the charges for treatment of such patient at a rate not exceeding \$1.50 per day, except that in the case of a sanatorium which under the regulations is classed as a convalescent sanatorium, the payment of such charges shall be at a rate not exceeding \$1.25 per day. 1931, c. 76, s. 38 (1); 1934, c. 54, s. 18 (1); 1936, c. 54, s. 2.

(2) Where in the opinion of the Minister, liability under this section would in any year unduly burden any municipality in a territorial district, other than a city, the Lieutenant-Governor in Council upon the recommendation of the Minister may make special grants by way of provincial aid to relieve in whole or in part such municipality from the burden. 1931, c. 76, s. 38 (2).

**38.** A municipality may pay to a sanatorium the charges for treatment of a patient notwithstanding that such patient was not a resident in such municipality at the time of admission to such sanatorium. 1931, c. 76, s. 39.

**39.** In the event of the death in a sanatorium of any patient who is an indigent person or a dependant of an indigent person, that municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, but not exceeding \$30. 1931, c. 76, s. 40 (1).

**40.**—(1) Upon admission to a sanatorium of any patient who is or is represented to be an indigent person or the dependant of an indigent person, the superintendent shall by registered letter notify the clerk of the municipality in which such indigent person is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person. 1931, c. 76, s. 41; 1936, c. 54, s. 3 (1).

Indigency  
after  
admission.

(2) Where any patient becomes an indigent after admission to a sanatorium, the superintendent shall notify the clerk of the municipality in accordance with the provisions of subsection 1 when the indigency becomes known to the superintendent. 1936, c. 54, s. 3 (2).

Notice  
disputing  
liability.

**41.** Unless the clerk of a municipality within twenty days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the patient referred to therein was not a resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality shall be liable for the charges for treatment of such patient as provided in this Act. 1931, c. 76, s. 42.

Information  
to be  
furnished.

**42.** The clerk of a municipality when notifying a superintendent that a patient is not a resident in the municipality or is not an indigent person or a dependant of an indigent person, shall furnish such information as he may have ascertained with respect to such patient. 1931, c. 76, s. 43.

Cases where  
residence  
not  
presumed.

**43.** For the purpose of this Act, no patient shall be deemed to be a resident in a municipality,—

Persons  
seeking  
medical aid.

(a) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a sanatorium in such municipality; or

Health  
seekers in  
the dis-  
tricts.

(b) if the municipality is in a territorial district, and such patient being infected or likely or suspected of being infected with tuberculosis has gone to such municipality principally for the purpose of health and within one year after going to such municipality is admitted a patient in a sanatorium, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district; or 1931, c. 76, s. 44, cls. (a, b).

Pupils.

(c) if such patient has been living in the municipality by reason of being a pupil in any school, college, university, training school for nurses established under *The Nurses Registration Act*, or other seminary of learning therein and at the time he became such a pupil was not a resident therein, but in such cases the patient shall for the purposes of this Act, be deemed to be a resident in that municipality in which he was

Rev. Stat.,  
c. 230.



a resident at the time he became such a pupil; or 1931, c. 76, s. 44, cl. (c); 1936, c. 54, s. 4.

- (d) by reason of having been a patient or an inmate of Institutional inmates. a hospital, sanatorium, house of refuge, orphanage, children's shelter or child welfare institution, gaol, reformatory, prison or other public institution in the municipality and otherwise was not a resident therein, but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such a patient or inmate. 1931, c. 76, s. 44, cl. (d).

**44.** The corporation of a county shall have the right to recover not exceeding one-half of the charges paid by it in respect to treatment in a sanatorium of any patient for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such patient was a resident at the time of admission. 1931, c. 76, s. 45.

**45.** A dependant of an indigent person shall for the purposes of this Act be deemed to be a resident in that municipality in which such indigent person is resident. 1931, c. 76, s. 46.

**46.** When under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality, the sanatorium to which such patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction. 1931, c. 76, s. 47.

**47.** Upon payment by a municipality of any account rendered to it by a sanatorium for treatment of a patient or on payment by it of any expenses of burial of a deceased patient, such municipality may recover from the patient, or, in the event of his decease, from his estate or personal representatives, or, in the case of a dependant, from any person liable in law, in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction. 1931, c. 76, s. 48.

**48.** Upon payment by a municipality to a sanatorium of any account for treatment of a patient or upon payment of any expense of burial of a deceased patient by reason of such

patient having been assumed to be a resident in such municipality and it being ascertained that such patient was not a resident therein, but at the time of admission to the sanatorium was a resident in another municipality in Ontario, the municipality which made the said payment may recover the amount thereof as a debt from the municipality in which such patient was a resident and upon payment by that municipality, it shall be entitled to exercise the rights of recovery conferred under section 47. 1931, c. 76, s. 49.

Workmen's  
Compensa-  
tion Board  
cases.

Rev. Stat.,  
c. 204.

**49.** Nothing in this Act contained shall render a municipality liable for payment of the charges for treatment of a patient where such charges are payable by the Workmen's Compensation Board or an employer under *The Workmen's Compensation Act*. 1931, c. 76, s. 50.

## PART VII.

### PROVINCIAL AID.

Provincial  
aid.

**50.**—(1) Subject to the provisions of this Act and of the regulations, provincial aid shall be distributed and may be paid out of any moneys appropriated for such purpose by the Legislature,—

Indigent  
rate of aid.

(a) for treatment of every patient who is an indigent person or the dependant of an indigent person, at the rate of seventy-five cents per day for every day that such patient is receiving treatment in a sanatorium, except that in the case of a sanatorium for consumptives which under the regulations is classed as a convalescent sanatorium, payment shall be at the rate of forty cents per day; 1931, c. 76, s. 51 (1), cl. (a); 1934, c. 54, s. 18 (2); 1936, c. 54, s. 5.

Indigent  
rate of aid  
for unorgan-  
ized  
territory.

(b) for treatment of every patient who is an indigent person or the dependant of an indigent person and who has actually resided in unorganized territory for the period of three months within the five months next prior to admission to a sanatorium at the rate of \$2 per day for every day that such patient is receiving treatment in the sanatorium. 1931, c. 76, s. 51 (1), cl. (b); 1932, c. 53, s. 38 (1).

Computing  
provincial  
aid.

(2) In calculating the amount of provincial aid the day of departure of a patient shall not be included. 1931, c. 76, s. 51 (2).

Limitation  
as to  
patients  
subject  
of aid.

(3) Except as otherwise provided in this Act, no provincial aid shall be granted to any sanatorium in respect of a patient therein, if the charges received by the sanatorium in respect

to such patient exceed \$1.50 per day from all sources other than provincial aid or in the case of a convalescent sanatorium exceed ninety cents per day from all sources other than provincial aid. 1931, c. 76, s. 51 (3); 1934, c. 54, s. 18 (3).

(4) The Lieutenant-Governor in Council may at any time make such deductions from any moneys payable under the provisions of subsection 1, by way of provincial aid to any sanatorium, as may be deemed necessary. 1933, c. 57, s. 2.

**51.** No provincial aid shall be granted to any sanatorium the approval of which has been revoked or suspended, or to any sanatorium which does not comply with the provisions of this Act, and the regulations. 1931, c. 76, s. 52.

**52.** When from any cause provincial aid to any sanatorium has not been granted or the grant thereof has been withdrawn or withheld, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct that such aid be granted or restored in whole or in part, but not until the approval of such sanatorium has been revived or until compliance with the provisions of this Act or the regulations is made, as the case may be. 1931, c. 76, s. 53.

## PART VIII.

### GENERAL.

**53.** Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall incur a penalty of not less than \$5 and not exceeding \$500 recoverable under *The Summary Convictions Act*. 1931, c. 76, s. 54.

Deductions  
from  
provincial  
aid.

No aid while  
approval  
revoked, etc.

Restoration  
of provin-  
cial aid.

Penalty.

Rev. Stat.,  
c. 136.

## CHAPTER 396.

## The Toronto General Hospital Act.

## INTERPRETATION.

Interpreta-  
tion.**1.** In this Act,—

“Board.”

(a) “Board” shall mean the trustees of the Toronto General Hospital;

“Hospital.”

(b) “Hospital” shall mean the Toronto General Hos-  
pital;“Subscrib-  
ers.”

(c) “Subscribers” shall mean benefactors and annual subscribers as defined by this Act. R.S.O. 1927, c. 358, s. 1.

## GOVERNMENT OF HOSPITAL.

Election and  
appointment  
of trustees.**2.** The Toronto General Hospital and the property, revenues, business and affairs thereof shall continue to be under the government, management, conduct and control of a board of twenty-five trustees, of whom eight shall be appointed by the Lieutenant-Governor in Council, five by the Governors of the University of Toronto, and five by the municipal council of the corporation of the City of Toronto, and seven shall be elected by the subscribers, and the trustees shall continue to be a body corporate by the name of “The Trustees of the Toronto General Hospital.” R.S.O. 1927, c. 358, s. 2.Term of  
office.**3.**—(1) The trustees hereafter appointed by the corpora-  
tion of the City of Toronto shall hold office for one year and  
until their successors are appointed.

Idem.

(2) The trustees hereafter appointed by the Lieutenant-  
Governor in Council and by the Governors of the University  
of Toronto and those elected by the subscribers shall hold office  
for three years and until their successors are chosen. R.S.O.  
1927, c. 358, s. 4.Time of  
appoint-  
ment or  
election.**4.** All trustees shall be appointed or elected in the month  
of January in each year in the place of those whose term of  
office expires. R.S.O. 1927, c. 358, s. 5.Eligibility  
for re-ap-  
pointment  
or re-  
election.**5.** A trustee whose term of office has expired shall be eligible  
for re-appointment or re-election as the case may be. R.S.O.  
1927, c. 358, s. 6.



6. A member of the hospital staff shall not be eligible to be a trustee and if a member of the Board accepts or occupies a position on the hospital staff or goes to reside out of Ontario, or becomes mentally ill or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office as a member of the Board, and a declaration of the existence of the vacancy entered upon the minutes of the Board shall be conclusive evidence thereof. R.S.O. 1927, c. 358, s. 7. Members of staff not eligible as trustees.

7. Where a vacancy occurs from any cause, it shall be filled by the body possessing power to appoint or elect, and the person appointed or elected to fill the vacancy shall hold office for the remainder of the term of the trustee whose place he is appointed or elected to fill. R.S.O. 1927, c. 358, s. 8. Vacancies.

8. Five members shall constitute a quorum of the Board. R.S.O. 1927, c. 358, s. 9. Quorum.

#### ELECTION OF TRUSTEES BY SUBSCRIBERS.

9.—(1) A meeting of subscribers for the election of trustees to fill the places of retiring trustees shall be held annually on the second Tuesday of the month of January. Date of election.

(2) Elections to fill the vacancies arising from any other cause than the expiration of the term of office shall be held at such times as the Board may by by-law or resolution appoint. R.S.O. 1927, c. 358, s. 10 (1, 2). Casual vacancies.

(3) The meetings shall be held at the hospital at such hour as the Board by resolution appoints and the secretary of the Board shall at least ten days before the holding of any such meeting send to each subscriber by prepaid registered post a notice thereof. R.S.O. 1927, c. 358, s. 10 (3); 1937, c. 79, s. 2. Place of election—notice.

(4) The solicitor of the Board or in his absence a person elected by the meeting shall preside, and the secretary shall act as the secretary of the meeting and shall produce a certified list of subscribers with a statement of the amount of each subscription, and such list shall be open to public inspection. Conduct of election.

(5) The election shall be by ballot taken by two or more scrutineers appointed by the chairman of the meeting and each subscriber shall be entitled to vote in person or by proxy under an instrument of proxy duly executed under his hand given to a subscriber entitled to vote at such election. Mode of election.  
Proxies.

(6) An instrument of proxy shall be valid for one year only. Duration of proxy.

Determining  
election by  
lot in case  
of tie vote.

(7) In case of an equality of votes between two or more persons which leaves the election of one or more trustees undecided, the scrutineers shall forthwith put into a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the chairman shall draw from the ballot box in the presence of the scrutineers one or more of the papers sufficient to make up the required number of trustees, and the persons whose names are upon the papers so drawn shall be the trustees elected. R.S.O. 1927, c. 358, s. 10 (4-7).

#### HONORARY ADVISORY BOARD.

Appoint-  
ment of  
advisory  
board.

**10.**—(1) The Board may by by-law constitute an honorary advisory board consisting of not more than ten members appointed by the Board, to hold office during the pleasure of the Board, and the Board may from time to time fill any vacancy occurring in the membership of the said honorary advisory board.

Officers.

(2) The honorary advisory board may appoint a chairman and a vice-chairman, and the secretary of the Board shall upon the request of the honorary advisory board act as its secretary.

Membership.

(3) No person shall be appointed a member of the said honorary advisory board unless previous to his appointment he has been appointed or elected as a trustee of the Board and has served in such capacity for a period of at least five years.

Advisory  
powers.

(4) The said honorary advisory board shall not have or exercise any of the rights, powers and privileges of the Board but shall act only in an advisory capacity in co-operation with the Board as the said Board shall from time to time desire or determine. 1931, c. 140, s. 2.

#### POWERS OF TRUSTEES.

Powers of  
trustees  
under pres-  
ent Acts  
continued.

**11.**—(1) Subject to the provisions of this Act, the Board shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys.

Taking and  
holding  
lands with-  
out license  
in mort-  
main.

(2) The Board shall be capable of receiving and taking from any person or body corporate by grant, gift, devise or otherwise any land or interest in land or any goods, chattels or effects, for the use, support or purposes of the hospital and without a license in mortmain, and all persons and bodies corporate shall have full and unrestricted right and power to give, grant, devise and bequeath to the Board any land or interest in land or any goods, chattels or effects.

(3) No real property or interest therein vested in the Board and used for hospital purposes shall be liable to be entered upon, used or taken by any municipal or other corporation, or by any person possessing the right of taking land compulsorily for any purpose whatsoever, and no power to expropriate real property hereafter conferred on such corporation or person shall extend to such real property or interest unless in the Act conferring the power it is made in express terms to apply to such real property. R.S.O. 1927, c. 358, s. 11.

Exemption  
from ex-  
propriation.

**12.** The building and land of and attached to or otherwise *bona fide* used in connection with and for the purposes of the hospital, so long as such buildings and land are actually used and occupied for the purposes of the hospital, and the personal property of the Board shall be exempt from all taxation, including school rates or taxes. R.S.O. 1927, c. 358, s. 12.

Exemption  
from taxa-  
tion.

**13.** All the rights and privileges belonging to or enjoyed by the Crown in respect of its land under any statute limiting the time for bringing actions either by the Crown or against the Crown shall belong to and be enjoyed by the Board in respect of land vested in the Board. R.S.O. 1927, c. 358, s. 13.

Limitation  
of actions.

**14.—(1)** The Board may sell or dispose of any land vested in it, including the block of land which on the 6th day of May, 1913, was occupied by the hospital, bounded by Gerrard, Sumach, Spruce and Sackville streets, upon such terms as to payment of purchase money as may seem best, and may mortgage any land vested in it, or may lease the same for any period not exceeding twenty-one years with the right of renewal for periods not exceeding twenty-one years in perpetuity and subject to such covenants, conditions, agreements, stipulations and provisos as may seem best, but land vested in the Board which is charged with debentures shall remain subject to such charge until the same are paid, unless sold with the consent of the holders of the debentures.

Power to  
dispose of  
site on  
Gerrard  
Street and  
other lands.

(2) Nothing in subsection 1 shall authorize the Board to sell the hospital which, on the 6th day of May, 1913, it was erecting on College Street or the land used in connection with it, but this restriction shall not prevent the Board from mortgaging such hospital and land nor shall it interfere with any of the remedies by way of sale or otherwise of the mortgagees. R.S.O. 1927, c. 358, s. 14.

But not  
on College  
Street.

**15.—(1)** The Board may without the consent of the owner thereof or any person interested therein enter upon, take, use and expropriate all such land as it deems necessary for the pur-

Power to  
take lands  
for hospital.

poses of the hospital, making due compensation therefor to the owners and occupants thereof and all persons having any interest therein, and may pass by-laws for that purpose.

Application  
of provi-  
sions of  
Rev. Stat.  
c. 266.

(2) The provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation, shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred, and where any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the secretary of the Board, or at his office, as the case may be.

Registration  
of by-laws.

(3) The Board may register any by-law passed for the purposes of subsection 1 by depositing in the proper registry office or land titles office a copy of such by-law certified under the hands of the chairman and the secretary of the Board and authenticated by its seal and the registration of the by-law shall vest the real property therein described in the Board. R.S.O. 1927, c. 358, s. 15.

Borrowing  
powers of  
Board.

**16.**—(1) The Board may from time to time, with the approval of the Lieutenant-Governor in Council, borrow for the purposes of the hospital such sums as may be required for the purposes of the hospital, and may issue debentures therefor in such sums, at such rate of interest and for such periods as it may deem expedient.

Currency of  
debentures.

(2) No such debenture shall be issued for a longer period than forty years, and the interest shall be payable yearly, half-yearly or quarterly.

Mortgages  
to secure  
debentures.

(3) Such debentures may be secured by a mortgage to trustees for the debenture holders upon any land vested in the Board. R.S.O. 1927, c. 358, s. 16.

Powers as  
to invest-  
ments.

**17.** The Board may invest, in such securities as may be deemed advisable, all money which may at any time come into its hands for the use and support of the hospital, or may deposit the same in any chartered bank or financial institution of good standing. R.S.O. 1927, c. 358, s. 17.

#### NEW HOSPITAL BUILDINGS.

Erection of  
buildings,  
etc., for  
hospital.

**18.**—(1) Without thereby limiting the general powers hereinbefore conferred, the Board may erect, equip and maintain all buildings required for the purposes of the hospital upon such sites as the Board may deem proper.



(2) In the event of the Board abandoning the hospital site mentioned in section 14, it shall be the duty of the Board in erecting new hospital buildings upon another site to erect upon a portion of such site a building suitable in every respect for the purposes of a lying-in hospital, and maintain and support the same in connection with the hospital as part of it upon the terms and conditions set forth in the resolutions of The Burnside Lying-in Hospital and the hospital authorizing the merger of The Burnside Lying-in Hospital in the hospital; and such building shall be called "The Burnside Lying-in Hospital."

(3) The Board shall provide in connection with the hospital which, on the 6th day of May, 1913, it was erecting on College Street, a building which shall be set aside as an eye and ear infirmary and shall be called "The Andrew Mercer Eye and Ear Infirmary."

(4) A section or wing of the hospital building shall be deemed to be a building within the meaning of subsections 2 and 3. R.S.O. 1927, c. 358, s. 18.

#### EXECUTION OF DOCUMENTS.

**19.**—(1) All grants, conveyances, assignments, mortgages, statutory and other discharges of mortgage, leases, contracts, distress warrants and other documents requiring to be executed under seal shall be sealed with the corporate seal of the Board and shall be signed by the chairman or some person thereto authorized by resolution of the Board, and countersigned by the secretary or some person thereto authorized by resolution of the Board.

(2) All cheques, promissory notes and drafts shall be signed by the chairman or some person thereto authorized by resolution of the Board, and countersigned by the secretary or some person thereto authorized by resolution of the Board. R.S.O. 1927, c. 358, s. 19.

#### BY-LAWS.

**20.**—(1) The Board shall appoint and may remove a secretary, a treasurer, the medical and other superintendents and their assistants and clerks, and all other officers and servants of the Board, and may enact by-laws and regulations for the management of the hospital and the trust, and for fixing all salaries and wages, and, subject to section 26, for regulating the composition of the hospital staffs, their numbers, terms of office, privileges and duties.

(2) Such by-laws or regulations shall be laid before the Lieutenant-Governor in Council within thirty days after the

same have been enacted, and shall not come into force until approved by him. R.S.O. 1927, c. 358, s. 20.

#### BENEFACTORS, VISITORS AND ANNUAL SUBSCRIBERS.

"Benefactors."

**21.**—(1) Every person who before the 14th day of May, 1906, has subscribed \$500 or upwards to the fund of the hospital, and every person who has since subscribed or may hereafter subscribe \$1,000 or upwards shall be a "Benefactor" of the hospital, and the Board shall erect a tablet in the principal entrance hall of the hospital upon which shall be inscribed the names of the benefactors.

Visitors.

(2) The benefactors shall be visitors of the hospital. R.S.O. 1927, c. 358, s. 21.

Who to be deemed "annual subscriber."

**22.** Every person who shall have subscribed \$100 or upwards to the fund of the hospital in the year immediately preceding an election of subscribers' trustees at which he desires to vote shall be an "Annual Subscriber." R.S.O. 1927, c. 358, s. 22.

#### MEDICAL STUDENTS.

Right of medical students to attend hospital.

**23.**—(1) The Board shall allow any medical student of the University of Toronto to visit the wards of the hospital and attend them for the purpose of receiving instruction from the members of the faculty of medicine of the university upon the payment of such fees and under such regulations and restrictions as the Board by by-law or resolution appoints.

Regulations.

(2) The Lieutenant-Governor in Council may from time to time make regulations and prescribe conditions under which the Board shall admit other students in medicine, including post-graduate students, to receive medical instruction from such faculty as provided by subsection 1. R.S.O. 1927, c. 358, s. 23.

#### PAYING PATIENTS.

Right of paying patients to attendance of their own physician.

**24.**—(1) The Board shall allow every patient paying sufficient to cover all the cost to the Board of his maintenance and support while in the hospital to employ his own surgeon or physician, subject to the regulations of the Board.

"Paying their way."

(2) The words "paying their way," where they occur in the 7th section of By-law No. 4579 of the City of Toronto, shall mean "paying sufficient to cover all the cost to the Board of their maintenance and support while in the hospital." R.S.O. 1927, c. 358, s. 24.

## CITY PATIENTS.

**25.** The Board shall afford accommodation as far as possible to patients sent into the hospital on the order of the corporation of the City of Toronto, upon payment to the Board of such rates as may from time to time be agreed upon, and subject to such regulations and restrictions as the Board may by by-law or resolution appoint. R.S.O. 1927, c. 358, s. 25.

Patients  
sent from  
City of  
Toronto.

## THE HOSPITAL STAFF.

**26.** The composition and number of the hospital staff, and the terms of office, the duties and the privileges of the members thereof shall be regulated by and be in accordance with the agreement between the Governors of the University of Toronto and the Board and the by-law of the Board set out in Schedule 1 to the Act passed in the first year of the reign of His Late Majesty King George the Fifth, chaptered 80 and intituled *An Act respecting the Toronto General Hospital*. R.S.O. 1927, c. 358, s. 26.

Hospital  
Staff.

1911,  
c. 80.

## STATEMENTS TO GOVERNMENT.

**27.** In addition to the returns required by any other Act, the Board, when required so to do by the Lieutenant-Governor in Council, shall render an account in detail of all money received by it, specifying the sources from which the same arose or was received and the manner in which the same is invested or was expended and all such particulars as may be necessary to show the state of the fund and endowment of the hospital. R.S.O. 1927, c. 358, s. 27.

Returns.

## CHAPTER 397.

## The Parole Act.

Interpre-  
tation.**1.** In this Act,—

"Board."

(a) "Board" shall mean the Board of Parole;

"Prisoner."

(b) "Prisoner" shall mean and include a person convicted of an offence against a statute of Ontario or against a municipal by-law and sentenced to confinement in a reformatory, common gaol, industrial farm, industrial school or other place of safe custody and prisoners serving indeterminate sentences referred to in section 43 of the *Prisons and Reformatories Act* (Canada);R.S.C.,  
c. 163."Regula-  
tions."

(c) "Regulations" shall mean regulations made by the Board under the authority of this Act;

"Secre-  
tary."

(d) "Secretary" shall mean the secretary of the Board. R.S.O. 1927, c. 362, s. 1.

Board of  
Parole  
established.

R.S.C. c. 163.

**2.** For the purposes of this Act and of the said the *Prisons and Reformatories Act* (Canada), there is constituted a board to be known as the Board of Parole which shall be composed of not more than six persons to be appointed by the Lieutenant-Governor in Council and notwithstanding that such board has heretofore been composed of only five members, every act, order and proceeding of such board shall be deemed to be and to have been valid, binding and effective. R.S.O. 1927, c. 362, s. 2; 1933, c. 59, s. 30 (1); 1935, c. 66, s. 13.

Chairman  
and secre-  
tary.

**3.**—(1) The Lieutenant-Governor in Council shall appoint a chairman and secretary of the Board.

Quorum.

(2) Three members of the Board shall form a quorum. R.S.O. 1927, c. 362, s. 3.

Chief  
Parole  
Officer.

**4.** The Lieutenant-Governor in Council may appoint an officer to be known as the Chief Parole Officer, who shall have such powers and perform such duties as may be prescribed by the regulations, and may appoint such assistants to the Chief Parole Officer as may be deemed necessary, and shall define the powers and duties of such assistants. R.S.O. 1927, c. 362, s. 4.

Powers  
and duties.



5. The Chief Parole Officer and his assistants shall be paid such annual salary or other remuneration as may be determined by the Lieutenant-Governor in Council. R.S.O. 1927, c. 362, s. 5. Salary of Chief Parole Officer and assistants.

6. The secretary may be paid such annual or other salary or remuneration as may be determined by the Lieutenant-Governor in Council. R.S.O. 1927, c. 362, s. 6. Salary of secretary.

7. The members of the Board shall serve without remuneration, but the Lieutenant-Governor in Council may fix a *per diem* allowance to be payable to the members for their attendance at the meetings of the Board, or for other attendances in connection with the transaction of any business of the Board, and every member of the Board shall be entitled to his reasonable and necessary travelling and living expenses as certified by the chairman of the Board. 1933, c. 59, s. 30 (2). Allowance to members.

8. The salary of the secretary, and the allowances for travelling and other expenses of the members of the Board shall be paid out of such moneys as may be appropriated by the Legislature for the general purposes of the Board. R.S.O. 1927, c. 362, s. 8. Salaries, etc., how payable.

9.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,— Regulations.

(a) defining the duties, powers and responsibilities of the Board, the Chief Parole Officer and his assistants and the secretary;

(b) defining the conditions under which a prisoner may be paroled under this Act or under the *Prisons and Reformatories Act* (Canada); R.S.C. c. 163.

(c) prescribing the powers of the Board in dealing with a prisoner on parole who fails to comply with the terms upon which he has been paroled;

(d) prescribing the form of returns to be made by public officers and other persons containing information as to the antecedents of any prisoner;

(e) generally for the better carrying out of the provisions of this Act and the *Prisons and Reformatories Act* (Canada).

(2) The regulations shall have force and effect as to prisoners referred to in section 43 of the *Prisons and Reformatories Act* (Canada) only so far as such regulations have been approved by the Minister of Justice of Canada. R.S.O. 1927, c. 362, s. 9. When approval of Minister of Justice required. R.S.C. c. 163.

Release of  
prisoners  
on parole.

**10.** Subject to the regulations the Board may order the release on parole of any prisoner upon such conditions as the Board may deem proper. R.S.O. 1927, c. 362, s. 10.

Re-taking  
prisoners  
on breach of  
conditions  
of parole.

**11.** Every parole granted to a prisoner shall be conditional, whether so expressed or not, and subject to the regulations, the Board may provide that a prisoner who fails to observe the conditions of his parole may be taken into custody by the Chief Parole Officer or his assistants or any person appointed for such purpose, and may be returned to the prison or other place from which he was paroled. R.S.O. 1927, c. 362, s. 11.

Assistance  
to prisoners.

**12.** It shall be the duty of the Board to assist prisoners on parole in procuring employment with trustworthy persons and in this manner to ensure as far as possible the success of the parole system. R.S.O. 1927, c. 362, s. 12.

Returns.

**13.** It shall be the duty of every public officer or other person having information or having access to any information bearing upon the fitness of a prisoner to be paroled, to make such return in writing to the Board as may be required by the regulations. R.S.O. 1927, c. 362, s. 13.

Annual  
report of  
Board.

**14.** The Board shall in each year, on or before the 31st day of October, make a report in writing to the Lieutenant-Governor in Council of the history and proceedings of the Board during the preceding twelve months. R.S.O. 1927, c. 362, s. 14.

Pardoning  
powers not  
affected.

**15.** Nothing in this Act contained shall be construed as affecting or impairing or as intending or purporting to affect or impair the powers of the Governor-General of Canada or the Lieutenant-Governor of Ontario to grant a reprieve, pardon, or commutation of sentence in any case. R.S.O. 1927, c. 362, s. 15.

Prisoners'  
Assistance  
Fund.

**16.**—(1) Whenever the Assembly shall have voted a sum of money as a Prisoners' Assistance Fund under the appropriation for the general purposes of the Board, payments from such fund may be made from time to time under the direction of the Provincial Secretary to such officers and persons as he may think proper, to be expended for the assistance of paroled prisoners to secure employment or necessary tools or equipment or for such other purposes for the use and benefit of such paroled prisoners as he may approve.

Payments  
out of fund  
on certi-  
ficate of  
Minister.

(2) The certificate or order of the Provincial Secretary that such sum of money is required to be paid out of the fund shall be sufficient authority for the issue of a cheque by the Treasurer

of Ontario for the amount named in such certificate or order and the officer or other person to whom the cheque is issued shall account to the Provincial Secretary for the proper disbursement of the amount received by such officer or other person, and the approval of the Provincial Secretary shall be final and the account shall not be subject to further inquiry or audit. R.S.O. 1927, c. 362, s. 16.

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## CHAPTER 398.

## The Extramural Employment of Persons under Sentence Act.

Authoriza-  
tion for  
extramural  
employ-  
ment.

**1.** Upon the recommendation of the Ontario Board of Parole the Lieutenant-Governor in Council may from time to time authorize, direct or sanction the employment on any work or duty without or beyond the limits of any gaol, industrial farm, reformatory or other place of safe custody under the jurisdiction or control of the Province of Ontario, of any persons confined or sentenced to be imprisoned therein, or transferred thereto under any statute of Ontario. R.S.O. 1927, c. 363, s. 1.

Such per-  
sons to be  
subject to  
rules and  
regulations.

**2.** All such persons shall, during such employment, be subject to such rules, regulations and discipline as are approved by the Lieutenant-Governor in Council in that behalf. R.S.O. 1927, c. 363, s. 2.

Appointment  
and powers  
of officer.

**3.** The Chief Parole Officer and his assistants subject to the direction of the Ontario Board of Parole shall have such custodial and other powers with respect to persons removed from any such gaol, industrial farm, reformatory or other place of safe custody for the purpose of employment elsewhere under this Act from the time of such removal and during the period of such employment and until the return of the persons so employed to the place of safe custody or their discharge by due process of law as may be conferred or prescribed by the rules and regulations. R.S.O. 1927, c. 363, s. 3.

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## CHAPTER 399.

## The Probation Act.

**1.** The Lieutenant-Governor in Council may appoint an <sup>Appointment.</sup> officer to be known as a probation officer and such assistants to such officer as may be deemed necessary for any county, including any city or separated town in such county, or for any district. R.S.O. 1927, c. 364, s. 1.

**2.—(1)** For the purpose of giving effect to section 1081 <sup>Powers and duties, R.S.C., c. 36.</sup> of the *Criminal Code* and amendments thereto, it shall be the duty of the probation officer and he shall have power with regard to any person convicted at a sittings of the Supreme Court for the trial of criminal cases or at the general sessions of the peace, or the county judges' criminal court, or at the court of any magistrate or justice of the peace or by a juvenile court in the county or district,—

- (a) to procure and report such information as to the antecedents, family history, previous convictions, character of employment and other information respecting any person so convicted as the court may require;
- (b) to supervise under the direction of the court before whom such person was convicted the employment, conduct and general condition under which the person so convicted may be placed during the period of probation imposed by the court;
- (c) to see that any person so convicted reports from time to time as the court may prescribe, and to report to the court if the person so convicted is or is not carrying out the terms on which sentence is suspended, and to see that such person, in case of such default, is brought again before the court for sentence;
- (d) to see that any person so released on suspended sentence duly makes restitution and reparation;
- (e) to see that any person so convicted while on probation duly carries out any order of the court requiring him to make due provision for the support of his wife and any other dependants for which he may be liable;
- (f) to do all such other things as may be directed by the court or by the regulations made under the authority of this Act.

To be  
*ex officio*  
provincial  
constable.

(2) In the performance and exercise of the powers imposed by or under subsection 1, the probation officer and any assistant of the probation officer shall be *ex officio* a provincial police constable. R.S.O. 1927, c. 364, s. 2.

To be  
officer of  
*ex officio*  
court and  
under judge,  
etc.

**3.** For the purposes of this Act the probation officer and his assistants shall be deemed to be officers of every such court in the county or district for which they are appointed and shall be amenable to, and shall carry out the directions of the judge, magistrate or justice presiding in such court. R.S.O. 1927, c. 364, s. 3.

County to  
provide  
accommoda-  
tion.

**4.—(1)** It shall be the duty of the council of any county for which a probation officer is appointed, to provide such office accommodation for the probation officer and his assistants as the regulations may require.

When city  
to be  
responsible.

(2) Where under any agreement or award or under any general or special Act it is the duty of the corporation of a city to provide accommodation for the courts and officers engaged in the administration of justice in the county, the corporation of the city shall provide such office accommodation for the probation officer and his assistants. R.S.O. 1927, c. 364, s. 4.

Expenses  
of office,  
how borne.

**5.** The salary or other remuneration of a probation officer and his assistants and the expenses of providing clerical or other assistance and any other necessary expenses of his office shall be payable out of the Consolidated Revenue Fund and all accounts and vouchers in connection with such office shall be examined and audited by the Auditor of Criminal Justice Accounts whose audit shall be final. R.S.O. 1927, c. 364, s. 5.

Regulations.

**6.** The Lieutenant-Governor in Council may make regulations which may be general or special in their application,—

- (a) respecting the qualifications, duties and powers of probation officers and their assistants;
- (b) respecting the office and other accommodation and clerical and other assistance to be provided for a probation officer;
- (c) prescribing the reports and returns to be made by probation officers;
- (d) fixing the salary or other remuneration to be paid to a probation officer and his assistants;

- (e) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 364, s. 6.

7.—(1) Where a person is charged with having committed an offence against any statute of Ontario the justice, magistrate or court before which such person is brought for trial may make such inquiries as he deems proper as to the character and reputation of the person charged and as to whether or not he has been previously convicted of any offence under the *Criminal Code* or against a statute of Ontario, and if it appears that, regard being had to the age, character and antecedents of such person, that it is expedient that such person be released on probation of good conduct, such justice, magistrate or court may release the person charged under one or more of the following directions and conditions,—

- (a) that such person enter into a recognizance with or without sureties to keep the peace, and be of good behaviour; Dealing with person charged without conviction. Conditions. Recognizance.
- (b) that such person be placed upon probation for such period and under such circumstances as the justice, magistrate or court before which he is brought may prescribe; Probation.
- (c) that such person shall report from time to time during such period of probation to any probation officer that the justice, magistrate or court may designate; Report to probation officer.
- (d) that such person shall be under the supervision and direction of such probation officer during the said period of probation, and shall obey and carry out the instructions and directions of the said probation officer; Supervision and direction.
- (e) that such person pay the costs of the prosecution or some portion of the same within such period and by such instalments as the justice, magistrate or court before which he is brought may direct; Payment of costs.
- (f) that such offender make restitution and reparation to any person or persons aggrieved or injured by the offence charged, for any actual damage or loss thereby caused; Restitution.
- (g) that such person while on probation be ordered to provide for the support of his wife and any other dependant or dependants for which he is liable; Support of family.
- (h) that such person perform and carry out any other direction and condition that such justice, magistrate or court before which he is brought may prescribe and deem proper to impose. Other conditions and directions.

Place of  
abode of  
person  
charged  
to be in  
jurisdiction.

(2) The justice, magistrate or court before which such person is brought, before directing the release or discharge of any such person, shall be satisfied that such person or his surety has a fixed place of abode or regular occupation in the county or place for which the justice, magistrate or court acts, or in which such person is likely to live during the period named for the observance of the conditions.

Failure to  
carry out  
conditions.

(3) If any justice, magistrate or court having power to deal with such person in respect of the charge against him, or if any justice, magistrate or court is satisfied by information on oath that such person has failed to observe any of the conditions of his recognizance, or has failed to observe and perform any direction or condition made in reference to probation or otherwise, a new information may be issued against such person for the original offence charged, and in addition an information may also be issued against such person for a breach of any of the directions and conditions so imposed.

Penalty.

(4) Upon conviction of a breach of any of the directions and conditions so made, such person may in addition to any penalty that may be imposed for the original offence, incur a penalty not exceeding \$50 recoverable under *The Summary Convictions Act*.

Rev. Stat.,  
c. 136.

When con-  
currence of  
Crown  
attorney  
required.

(5) Where the justice, magistrate or court finds that there has been a previous conviction against the person charged, the justice, magistrate or court may exercise the powers conferred by subsection 1, subject to the approval and concurrence of the Crown attorney. 1929, c. 88, s. 2.

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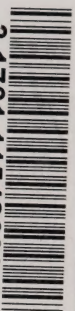
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